

Противодействие терроризму

Борьба с терроризмом и защита права на существование Research on Combating Terrorism on Protecting the Right of Existence Dimension

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Аннотация. Право на существование, священное и неприкосновенное, является основной гарантией, защищающей безопасность жизни и условия жизни, включая право на жизнь, право на здоровье, гарантию права на выживание и т.д. Однако с 1990-х гг. оно серьезно страдает от растущего международного терроризма. Поэтому борьба с терроризмом и защита права на существование стали насущной проблемой международного сообщества. Необходимо усовершенствовать и эффективно применять положения международного права о борьбе с терроризмом. В настоящее время международное право о борьбе с терроризмом все еще нуждается в развитии и совершенствовании, хотя его рамки и сформировались. Кроме того, действующее международное право еще не полностью трансформировалось из «сформулированных на бумаге правил» в «положения, которым реально следуют».

Ключевые слова: терроризм; борьба с терроризмом; защита права на существование.

Abstract. The right of existence, sacred inviolable, is the basic guarantee that protect life security and living conditions including right of life, health right and the right of survival guarantee, etc. However, it has been seriously trespassed by the increasing international terrorism since 1990s. Therefore, attacking terrorism and protecting the right of existence has become an urgent issue of the international community. The international law against terrorism should be improved and effectively carried out. Nowadays, the international laws against terrorism still require development and perfection, even though the framework of them has taken shape. Furthermore, existing international laws haven't completely turned from "rules formulated on papers" to "provisions actually followed in operational link".

Keywords: terrorism; combating terrorism; protecting the right of existence.

As is convey in the famous saying: “human being are the yardstick of all nature, not only for the existence, but also for the non-existence”.¹ As the living organism, people are the scale of all things in the world and must enjoy the right of existence. In the modern society, every country admits the right of existence and also commit themselves to protect it through economic development, institutional improvement and implement of the rule of law.

However, in recent years, international terrorism has gradually evolved in the direction of globalization, concealment and diversification, which not only destroy the peace and stability of the world, but also seriously infringe the right of existence. Above all, attacking terrorism and protecting the right of existence become a severe problem demanding prompt solution. All the countries in the world must strengthen cooperation and keep on working together to effectively resolve this problem.

The Right of Existence Is Sacred and Inviolable

As the basic content of human rights, the right of existence can be explained in both broad and narrow sense. In the broad sense, it means: “citizens should enjoy the right of requesting the country to take positive actions leading all of them enjoy the right of health and cultural life”. In the narrow sense, it means: “the old, weak, sick and disabled person is able to receive state aid whenever unable to survive”.² As an explicit right concept, the right of existence first appeared in a book which was wrote by Austrian jurist Anton in 1886. Door in 1886. The author argued that labor right, labor usufruct and the right of existence jointly made up the new generation of human rights — foundation of economic rights.

The right of existence is not congenital, but is gradually acquired by people during the practice of transform nature and society. It's also not solidified, but constantly changes along with the development of society. Early theories equated the right of existence to the right to life which was considered as one kind of “natural rights” together with liberty, equal rights and property rights; The president of Franklin D. Roosevelt once Proposed “The Four Freedoms “during the reflection of the second world war, namely” the first is freedom of speech and expression, the second is freedom of every person to worship god in his own way, the third is freedom from want and the fourth is freedom from fear”, he specially emphasized, for the purpose of guarantying life and health of all the people, every government should take measures to fill

”anywhere in the world” with “freedom from want” and “freedom from fear”.³

Contemporarily the definition of the right of existence is generally accepted by most countries: the right of existence can be known as the result of co-actions by many kinds of factors the right to life is the natural form of it, the property is the material condition of it; labor is the way to achieve it; social security is the method to relieve it; development is inevitable request of it; environment, health and peace are the contemporary contents of it and the conversion of state function is the guarantee of it.⁴

It has extremely rich content and focuses on following three aspects: first, the right to life, which concerns the right of maintaining life and security interests. It augustly indicates that life can not suffer any infringements or deprivations unless through legal procedure, hence it is the right of life and security with political significance. The right to life is the basis and premise of legal Personality, thus, life and enjoying rights exist concurrently with another; As a result, the right to life is the primary manifestation of the right of existence, only if one survives first, then we could discuss how to live with health and dignity.

Secondly, health right, contains the personal rights of keeping healthy body and intact physiology function. Functional interests of organs and whole body are comprised in this right which includes not only physiological health right, but also psychological and mental health right. Health right is the most basic and important personal right and interests which also forms the foundation of attending all social activities. Only when we keep the health of physiology and psychology, we are able to engage in political, economic, cultural and other social activities.

Thirdly, the right of survival guarantee, people are entitled to live, furthermore, they also should enjoy the rights of improving the living conditions, such as the right to gain material assist, the right to work, the right to rest and security right.” Declaration of the United Nations Conference on the Human Environment” in 1972 once proclaimed that: man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being.

Man is a live organism, so the right of existence is of great significance to him. As early as the period of bourgeois revolution, thinkers had emphasized the great importance of life and health and claimed: “rationality instruct the whole mankind who follow rationality intentionally: now that People are born equally and independently, anyone is not able to infringe the life, health, liberty and property of others”.⁵

Although we disapprove the concept of “natural rights”, we both hold that the right of existence is sa-

¹ Yan Guozhong. Ancient Greek and Roman Philosophy. Peking University press, 1983. 138.

² Chen Quansheng, Zhang Taizi. Ecology-ism of Constitution and Administrative Law. Law Press, 2001. 13.

³ Shi Zhongwen, Hu Xiaolin. Library of Worldwide Ideologist. China International Broadcasting Press, 1993, 918.

cred inviolable. In summary, there are three reasons: first, people are permanent and necessary prerequisite that accounts for the existence and development of society. Marx once pointed out: "the existence of individual is the primary premise of all the human history undoubtedly. Therefore, the first specific fact that needs to be identified is the body tissue as well as the relationship between such individuals and nature, which is restricted by the body tissue of individuals".⁶

People, the mainstay of our society, are the social material goods producers. The existence and development of society is a wind beggary without certain quantity and quality people. Therefore, we should attach importance to assuring the right of existence for existence and development of society. Secondly, life and health plays fundamental role in protecting the personality interests. For the purpose of maintaining life and health, people are bound to generate all kinds of needs including physiological need---the most basic and intense one, i.e. "if one person is ravenous, at that moment, he will have no interest in anything except food, all he dreamt, remembered and thought, is food".⁷

People will engage in political, scientific, cultural or other activities only if they meet the needs of survival. Because of this, satisfying physiological need together with maintaining health and life is of supreme significance. Thirdly, the right of existence is the primary and basic human rights. A present theory of human rights reveals that: human rights are an integral whole which is consist of all rights. It's an inherent right that can not be replaced and transferred; developing right, economic rights and political rights all derive from the right of existence which occupies the leading and basic position. "Based on this, theoretical circles generally consider the right of existence as the content through the development of basic human rights."⁸

The sacred inviolable status of the right of existence has gradually established along with social progress and enhancement of human knowledge. Under the autocratic rule of slave society and feudal society, slaves and pariahs were usually slaughtered by slave holders and monarchs, far from protecting the right of existence. Accompanied by the development of concept of human rights during capitalist period, People began to pay more attention and finally confirmed it by establishing political declaration, the constitution and laws.

The right of existence was first declared in "The declaration of independence" through the form of political program: "all men are created equal, that they

are endowed by their Creator with certain unalienable rights that among these are Life, Liberty, and the pursuit of Happiness." However, it first appeared in "Weimar Constitution" as a definite form of law and the article 151 of it indicated that "a man should be enabled to maintain his survival on a general basis, and prescribes that the economic order should be compatible with the rule of justice as well as the purpose of human existence." Afterwards, western countries successively stipulated the right of existence in their constitutions.

At present, the concept of the right of existence is universal accepted, so almost all the countries directly or indirectly confirm it in their constitutions or laws even some relevant international legal documents. The article 3 of "Universal Declaration of Human Rights" declared that: "Everyone has the right to life, liberty and security of person". The article 25 of it proclaimed that: "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control".

Some international treaties concerning anti-terrorism define "International Terrorism" as the following behaviors: "a serious offence involving an attack against the life, physical integrity or liberty of internationally protected persons, including diplomatic agents"; "an offence involving kidnapping, the taking of a hostage or serious unlawful detention"; "an offence involving the use of a bomb, grenade, rocket, automatic firearm or letter or parcel bomb if this use endangers persons".⁹ These legal documents provide legal evidence for ensuring the right of existence.

Infringement to the Right of Existence Caused by Terrorism

Since the Latter Half of the 20th Century those people who suffered from evil wars have been always praying that wars no longer occur and peace last forever with sufficient respect and guarantee of the right of existence. However, there are still a few insecure factors although peace and development has become the contemporary theme. Since 1990s, more and more fierce terrorist activities have not only caused large quantity of casualties, but also aggravated the tension of international situation. Thereby, terrorism

⁴ Xu Xianming. The Theory of right to subsistence // Chinese Social Science. 1992. Vol. 5. 46—48.

⁵ Locke J. Two Treatises of Government. China Social Sciences Publishing House, 1999. 6.

⁶ Marx K., Engels F. Anthology of Marx and Engel. Vol. 1. People's Publishing House, 1972. 24.

⁷ Goble F. G. The Third Force — The Psychology of Abraham Maslow. Shanghai Translation Press, 1987. 41.

⁸ Li Long. Jurisprudence. Wuhan University Press, 1996. 252.

⁹ Zhao Yongchen. Research on International Judicial Assistance in Criminal Matter. Chinese Procurator Press, 1997. 90.

infringes international stability and even the right of existence. For the purpose of guaranteeing the right of existence, Terrorism should be prevented and attacked.

Terrorism activities are usually defined as the following behaviors: individuals or organizations consciously use violence to manufacture terror by the way of killing or property destructions so as to achieve political or other purposes. Terrorism activities is multifarious, according to "European Convention on the Suppression of Terrorism", it mainly involves the following several kinds:

- 1) an offence within the scope of the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970;
 - 2) an offence within the scope of the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971;
 - 3) a serious offence involving an attack against the life, physical integrity or liberty of internationally protected persons, including diplomatic agents;
 - 4) an offence involving kidnapping, the taking of a hostage or serious unlawful detention;
 - 5) an offence involving the use of a bomb, grenade, rocket, automatic firearm or letter or parcel bomb if this use endangers persons;
 - 6) an attempt to commit any of the foregoing offences or participation as an accomplice of a person who commits or attempts to commit such an offence.
- No matter how terrorism appears, it's always a sort of extremely ferocious, anti-humanitarian crime that infringes the right of existence.

Terrorism does not initiate today and is not the specific character of one country or one nation. "It maybe incubated both in economic boom or decline, metropolis or village, multi-ethnic or mono-ethnic state."¹⁰ Since 1960s, terrorism has grown into transnational, systematized, professional and diversified violent crime and then transformed into international terrorism. Especially after 1990s, terrorism starts to be more and more rampant. Numerous facts have shown that lives are extremely disdained by terrorism; terrorism should be resolutely eliminated so as to guarantee the right of existence.

1. Terrorism infringes the right to life. It doesn't attach importance to person's life and kill people as their wishes. As some scholars has pointed out: "if we say that the purpose of traditional terrorism is causing more attention rather than killing more people, however, modern terrorism includes both of them".¹¹ In order to achieve their goals, terrorists cause great amount of deaths by variety of terroristic methods. According to the GTD database, the world's most au-

thoritative and comprehensive terrorism database provided by the University of Maryland, the world has suffered 201183 terrorist attacks since the 1970s.¹²

Here, the author simply introduces some attack types: first, the explosion. This terrorist means is favored by terrorists because of its destructive nature. In 1998, terrorists exploded American embassy in Kenya and Tanzania nearly simultaneousness, it caused more than 90 deaths. The Second is hijacking. The accident that terrorists hijacked the flight of Egypt air in 1985 brought about 60 deaths and 28 injuries which is the worst record as the world has seen.

The September 11, 2001, attacks shocked the whole world which also caused more than 5000 deaths. The third is using toxic gas. The development of modern chemical industry establishes the foundation for using high-tech terroristic methods, especially toxic gas. Sarin Incident that created by Japanese Aum Domsday Cult in Tokyo's subway resulted in 12 deaths. The last is the conventional and usual way — assassination and kidnapping.

Since 1996, terrorists have organized assassination over 100 times, only in 1999, more than 30 people have been assassinated; the hostage-kidnapping event in Moscow has brought about 128 deaths. In a word, terrorist activities seriously infringe the right to life by depriving numerous people's lives. It is widely known that everything cannot exist without its basis. As the core part of the right of existence, the right to life is the cornerstone of a person's life. Once it is seriously threatened or even ceases to exist, other rights will lose the necessity to be discussed. Therefore, the protection of the right to life must be put in the first place, naturally, terrorists' wanton deprivation of human life must be solemnly condemned and severely punished, otherwise it will be difficult to maintain the dignity of all mankind and ensure justice.

2. Terrorism infringes the health Right. Owing to the cruelty terror and concealment of terrorism, the health Right will be infringed. The infringement can specific divide into the following two aspects: for the one hand, terrorist activities bring injuries to a large number of innocent civilians which infringes their rights of maintaining the integrity of organ function. For example, The accident that terrorists hijacked the flight of Egypt air in 1985 brought about 28 injuries; Sarin Incident that created by Japanese Aum Domsday Cult in Tokyo's subway reached the result of poisoning of over 5500 people; In 1998, terrorists exploded American embassy in Kenya and Tanzania that caused more than 2200 injuries.

Terrorism makes a great many of injuries whatever in the September 11, 2001, attacks, "Bali event" happened in Indonesia or the hostage-kidnapping

¹⁰ Li Shenming, Wang Yizhou. Reports on International Politics and Security. Social Science Literature Press, 2002. 127.

¹¹ Zheng Baoming. New Characteristics of International terrorism and anti-terrorism countermeasures // Theory Journal. 2002. Vol. 1. 77.

¹² Start. Global terrorism database. URL: <http://www.start.umd.edu/gtd>. Visit on January 20, 2022.

event in Moscow. On the other hand, terrorism also engender huge insecurity and panic to people even losing reason which severely infringes the rights of keeping mental health. One of Scholars has vividly described the character of terrorist activities as the following words: In modern society, convenient communication and open gateway of countries provide plentiful opportunities to terrorism. The terrorists can go all over the place among large quantity of tourists, businessmen, refugees and immigrants. The crowded, noisy city and public places supply the best barrier for it. It may suddenly take action after a suspension in period of time. In most cases, we can hardly take effective measures to prevent it because it's difficult for us to surmise the time, the place and the crowd that the terrorists will take action.¹³

Amazingly, with the in-depth combination of Internet technology and terrorism, cyber terrorism has emerged. More and more terrorist organizations are taking advantage of user system vulnerabilities to launch cyber attacks, using stolen private data to intimidate the public and state institutions in cyberspace, and carrying out extremist propaganda and recruit followers through online social media. For example, the cyber caliphate army, the earliest Cyber Army of the Islamic state organization, is famous for stealing the social media accounts of the US central command and several Western media, publishing false news and causing large-scale panic.

Although these emerging cyber terrorism activities do not directly deprive people of their lives or cause physical damage to people, they increase anxiety and panic to the spiritual world of Internet users all over the world. Hence, terrorism likes black clouds that waft in the sky; it engenders huge insecurity and panic to People who are living in the shadow of terror. The atmosphere of terror that terrorism has created just like a trackless net which may restrict rhythm of life to all the people.

3. *Terrorism infringes the right of survival guarantee.* Terrorist activities infringe the conditions of property, labor, rest, social security and peaceful living environment which are essential to people's survival. Because of this, terrorism seriously infringes the right of guaranteeing survival. First, terrorist activities had caused huge of material possessions. i.e. only in 1995, 17 serious explosions happened per day on average which leads to the direct loss of over 20 million. Secondly, terrorist activities endanger social safety, stability in regions and world peace by cruel means.

As a result of that, the confidence of consumers and investors severely waver. What's worse, it forms a major threat to regional economic cooperation and development of the world economy. People all over

the world will never forget: the behavior that Egyptian Islamic extremists Specially attack foreign tourists had almost ruined flourishing tourism in Egypt; the behavior that terrorists in Chile put poisonous hydride into exporting two grapes had almost destroyed Chile's whole export market; American economy lost over 40 billions and the global economy slackened one percentage point as a result of The September 11, 2001, attacks according to the United Nations' forecastable reports on October 10, 2001 which had been an unprecedented disaster in the world. In addition, Terrorist activities such as hijacking planes can cause the shrink in employment in aviation industry and aircraft manufacturing industry.

Thus, it seriously infringes the labor rights enjoyed by personnel in these industries; people are high-pressure due to the uncertainty of terrorist activities which also infringes right to rest. Finally, from the perspective of opportunity cost, terrorist activities not only bring huge direct economic losses to the world, but also result in immeasurable indirect losses. For example, a cyber army of the "Islamic state" organization once claimed to have stolen the private information of 1500 military and government personnel, involving many key government departments such as the U. S. air force, foreign embassies, the Marine Corps, the National Aeronautics and Space Administration, the United States Agency for international development and the new York port authority. These information include various types of account and password, e-mail, home address and other sensitive privacy information. They published this information on August 11, 2015 and called for using this information to launch attacks.¹⁴

Although in the end they did not turn the threat into reality as they wished, the U. S. authorities paid a high economic price to prevent adverse results, and tens of thousands of American citizens lived in the shadow of terrorism. This can not help but lead people to think deeply. The cost that the whole society has to pay to prevent terrorist activities and maintain a stable and orderly living environment for survival is too high, even exceeding the direct economic losses caused by terrorist activities. In order to prevent the trading system from being damaged and tampered by terrorists, governments and enterprises have to invest more technical costs and introduce more professional technicians for real-time marking; In addition to facing more insecurity in daily life, citizens have to buy additional insurance and pay higher premiums to ensure personal safety or control risks. The increase of all kinds of expenditures is introduced by the in-depth development of terrorism.

Moreover, due to the randomness of terrorist activities, there is a great probability of the occurrence

¹³ Li Shenming, Wang Yizhou. Reports on International Politics and Security. Social Science Literature Press, 2002. 136.

¹⁴ Sun Pinjie. Main manifestations, development trend and Governance Countermeasures of network terrorism. China Information Security. 2021. Vol. 9.

of terrorist results, so in fact, in most cases, these expenditures are basically deadweight losses. In other words, if there is no threat of terrorist activities, people can spend this part of wealth in places that can more realistically satisfy their own survival and development, and then achieve a better life.

Attacking Terrorism and Guaranteeing the Right of Existence

Terrorism seriously threatens not only peace and stability of the world but also the social economic development and prosperity of all the countries as well as health and safety. The international community has distinctly recognized the tremendous harm that terrorism brought to the world. For that reason, the voice of attacking terrorism, safeguarding world peace, respecting the value of life and guaranteeing right of existence has been widely accepted in the international community. Senior official of the United Nations Shashi Tharoor once pointed out in one of his famous articles: "we both have the right of existence and the right to love", "We live in a world fighting with the root of terrorism. That is to say, in such a world, terrorist has no opportunity to take actions triumphantly. In a world of 21 Century, this is the most hopeful heritage left in the latest terrorist incidents.

However, it won't withdraw from the historical stage unless we oppose it and make great effort to eliminate its foundation."¹⁵ For the purpose of fully guaranteeing the right of existence together with other rights and maintaining secure, peaceful "global village", the international community should make joint efforts and strengthen cooperation to oppose and attack terrorism.

1. The concept of "terrorist crimes going non-political" should be generally accepted by international society. From the current definition of terrorism, terrorism has political motives has been widely accepted by the international society, even some scholars believe that the difference between terrorist activities and criminal offence is strong political nature.¹⁶ Owing to this cognition and the discrepancy of national interest, different countries adopt different attitudes towards terrorism. Moreover, the principle that "political offense exception" has been universally accepted by most national laws and various kinds of bilateral or multilateral treaties. That is why some terrorists run away to those countries which can grant asylum to them after terrorist activities. Because of these, it's difficult for the international community to establish powerful cooperation even perform effect attack against terrorism. In order to change this kind of situation and obtain good result, the international

community should convert the mode of thinking that instead of focusing on political motives the hazardous consequences are more important.

We should unify the cognition of terrorism into infringement of the right of existence and reach the consensus that a malefaction certainly belongs to terrorist activities as long as it infringes the right of existence, regardless of the place or the actor. Only in this way, it's propitious to unify the pace of attacking terrorism between different countries and regions so as to form powerful cooperation. From the existing international conventions, the tendency of "terrorist crimes going non-political" becomes more and more obvious.

For instance, in 1985, the United Nations General Assembly adopted Resolution 4061 which "unequivocally condemns all acts, methods and practices of terrorism committed wherever and by whomever as criminal." *Measures to Eliminate International Terrorism* that the United Nations General Assembly adopted In 2000 proclaimed that "reiterates that criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstances unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or other nature that may be invoked to justify them." From now on, urging every country to implement relative international conventions is our mission aimed to turn terrorism into the target of attack in any country or region.

2. The right of existence in poor countries should be respected. Historical reasons have caused the disequilibrium of economic development between different countries. Furthermore, it has been aggravated for the reason of economic globalization and cosmopolitan economic competition. Due to this disequilibrium, people from different countries may enjoy different protection of the right of existence. In developed countries, the right of existence can be effectively guarantee while it may be opposite in developing countries. Huge gap between rich and poor, on the one hand, often leads to the psychological unbalance of groups of people in undeveloped countries then stirs up revenge mind around the poor people blamed in the robbery by developed countries; on the other hand, stimulate people in undeveloped countries to chase the dream of beautiful life which is unpractical through legal ways. Because of great power disparity, these people use terrorist activities as the best weapon to revenge on developed countries and realize the dream.

Theodore A. Columbia once accurately pointed out: "Under the circumstance that income gap between the rich and the poor amounts to 40 times,

¹⁵ Yu Peiyuan. Global Village Needs Moral Reconstruction during the Process of Globalization — Reflection after 9.11 attack. Exploration and Contending. 2002. Vol. 9.

¹⁶ Liu Zongkun. Right of Self-defense and the Sovereignty. Strategy and Management. 2002. Vol. 1.

no matter how to rationalize the phenomenon, it's inevitable to avoid the extreme dissatisfaction, the desperate frustration, and the sense of discouragement. Therefore, people who are penniless may be persuaded to challenge present situation, resorting to either peaceful means or violence."¹⁷

Therefore, poverty is the largest enemy of peace. Aim to attack terrorism effectively and maintain world peace, military and diplomatic means are not enough; the protection of right to subsistence among undeveloped countries should be added." If feasible measures are not taken to shorten the gap between the north and south and reduce economic plunder and impact towards developing countries during the process of economic globalization, new economic growth point will not be founded to bring equal benefits to all the countries.¹⁸

So the actions of attacking terrorism will not receive fundamental effects. Just like "The Fourteen Points" once asserted in Joint Session by president Woodrow Wilson: "It is that the world be made fit and safe to live in; and particularly that it be made safe for every peace-loving nation which, like our own, wishes to live its own life, determine its own institutions, be assured of justice and fair dealing by the other peoples of the world as against force and selfish aggression. All the peoples of the world are in effect partners in this interest, and for our own part we see very clearly that unless justice be done to others it will not be done to us."¹⁹

In a word, terrorism could be effectively checked only through those appropriate approaches: developed countries should fully consider the interests of the people in economically undeveloped counties or regions and assist them in economic development by strengthening regional economic cooperation. They are beneficial to guarantee the right of existence in underprivileged countries or regions and finally the coexistence and co-prosperity among different countries will realize.

3. The domestic laws and international laws against terrorism should be improved and effectively carried out. Opposing and attacking terrorism certainly needs relevant domestic laws. As a matter of fact, many countries have already enacted special laws against terrorism, such as "Anti-terrorism Law" executed by the French government in 1985, "Counter-terrorism law" executed by the British government in 2001. However, in the process of opposing and attacking terrorism, the Chinese government mainly base on the criminal law instead of special anti-terrorism laws for a long time which involves: the organization, leading and attending the terroristic organization crime, kidnapping crime, the crime of organization, leading, attending, taking harbor and

wink to organs of "Black Society" in nature, crime of aircraft hijacking, etc. However, these provisions do not achieve complete coverage of terrorist crimes, and do not fully take the international nature of terrorism into account.

Therefore, in order to uphold and reflect China's determination to maintain world peace and stability, and combat terrorism more effectively, In 2011, China issued the first legal document specifically aimed at counter-terrorism, *the decision of the Standing Committee of the National People's Congress on issues related to strengthening counter-terrorism work*. Later, in 2015, China passed the landmark comprehensive anti-terrorism law "Anti Terrorism Law", which systematically and comprehensively stipulated the basic concepts, spiritual principles, fundamental positions and specific methods of combating terrorism, breaking the old regulatory pattern of combating terrorism. It indicates that China's understanding and practice of opposing and combating terrorism have become scientific and standardized. Nevertheless, there are still many places worthy of improvement in China's relevant domestic laws.

For example, *the Anti Terrorism Law* stipulates that the legitimate rights and interests of units and individuals have the right to relief if they suffer damage in the anti-terrorism work, but it does not specify the scope of legitimate rights and interests that can be compensated or compensated. This can not help asking whether the moral damage caused by the violation of citizens' right to privacy in the process of anti-terrorism investigation and evidence collection of administrative organs should be within the scope of compensation. It is not difficult to find that there are imperfections in the domestic laws, which is also a common problem in all countries in the world. In other words, there is still some way to go in the relevant legislation of all countries. Additionally, in order to attack terrorism effectively, these provisions against terrorism in the criminal law should joint track with international laws and plus those not contained in our criminal law.

However, as a global threat, terrorism should be effectively prevented and attacked by both domestic laws and international laws. Nowadays, international laws against terrorism still require development and perfection, even though the framework of them has taken shape. On the one hand, those legislations aiming at special behaviors are expedients rather than universally applicable international law; on another hand, they are not enough to effectively resolve all kinds of legal issues about controlling terrorism, for example, (1) they haven't definitely stipulated the legal consequences when contracting parties do not cooperate with other countries while facing terrorism;

¹⁷ Theodore A. Columbia. Power and Justice. Huaxia Press, 1990. 505.

¹⁸ Zhu Feng. Human Rights and International Relations. Peking University press, 2000. 479.

¹⁹ Zhang Nvlun. Fountain Head of terrorism. Reading. 2001. Vol. 11.

(2) they haven't definitely stipulated provisions those countries should obey when taking actions against terrorist attacks. Accordingly, it is imperative for us to enact comprehensive international conventions about controlling terrorism.²⁰

Furthermore, existing international laws haven't completely turned to "provisions actually followed in operational link" from "rules formulated on papers". Therefore, international laws should be improved no matter during the legislative process or operational link in order to control and attack terrorism effectively.

4. Strictly define the scope and scale of combating terrorism to avoid harming innocent people or causing excessive violations. Mozi, a thinker in the spring and Autumn period of China, advocated "non attack" and "universal love", and strictly divided the war into righteous war and unjust war.²¹ Admittedly, advocating "non aggression" and "universal love" does not mean not to take any violent means. Terrorist activities are extremely harmful and socially dangerous human acts. Their existence is the greatest injustice. Therefore, no one can ask for justice should make concessions to injustice. Hence, in the face of terrorist activities, any time, any place, any country and citizens have absolute and sufficient reasons to resort to violence.

However, in a sense, all kinds of coercive measures taken to combat terrorism, including waging war, must be out of justice. On the one hand, every countries must clarify the boundaries between regional internal affairs and terrorist activities, avoid blindly characterize all global violent conflicts as terrorist activities, let alone wantonly carry out acts involving other countries' domestic affairs under the banner of national counter-terrorism in order to achieve our own interests and political purposes; on the other hand, every countries should give full consideration to the means of combating terrorism and the costs paid for it, and be prudent to use excessive means, so as not to cause more unnecessary harm to the victims in the process of relief.

Take the Middle East as an example. Since the end of World War I, the Middle East has almost never stopped fighting. Countries compete against each other, and various ideological and ethnic contradictions emerge one after another. The process of evolution from a religious totalitarian state to a modern democratic state is difficult. These contradictions and hatred continue to deepen and has become difficult to reconcile. Many countries and world organizations recognize that maintaining security and stability in the Middle East is the key to solve terrorism issues in the world and have taken practical actions, but achieve less.

Even due to the entanglement of interests and political manipulation of various countries, the situation

and opposition conflicts in the Middle East have become more tense and complex. War raged, starving victims were everywhere and wailing. A large number of refugees who fled their homes complained about the atrocities of terrorist organizations and expressed their ardent hope for a better life. As a part of the community of shared human destiny or out of humanitarianism, the advanced countries in the world have the responsibility and obligation to provide non political assistance on the basis of respecting the sovereignty of the backward countries, so as to achieve world peace and reflect the rational and humanistic care of high primates.

Epilogue

There is no smooth road to peacekeeping. Since the "September 11 incident", terrorism has gradually entered the public's view, profoundly affected the world security situation and anti-terrorism pattern, and injected more unstable factors into the world. The material basis, natural resources, history and culture of countries all over the world are different. Therefore, there are many differences in the understanding and protection of the right to survival. However, when facing terrorism, people always show sympathy and firmly stand on the side of justice. This is not only out of fear and hatred of human suffering caused by terrorism, but also the rational expression of people's internal self-protection and desire for truth, goodness and beauty.

However, when the international community reached a consensus on counter-terrorism and spent trillions of dollars and sacrificed tens of thousands of people, it not only did not solve or weaken the threat of terrorism, but also contributed to the renewal of terrorism. Al Qaeda was overthrown, but terrorist organizations such as the "Islamic state" rose against the trend and replaced al Qaeda's leadership in the international terrorist movement. The world anti-terrorism work in the Middle East began with the overthrow of the Taliban and ended with the return of the Taliban. Twenty years are like a dream, how many lives have been lost and how many hopes have been broken. All kinds of facts have enlightened the world that the essence of eliminating international terrorism is a contest between civilization and barbarism. The firmness of human society's consensus on a just international order and on basic civilizations such as life, dignity, equality and humanity not only affects the rise and fall of world peace forces, but also determines the success or failure of international counter-terrorism. A small step makes a thousand miles. Terrorism is mainly rooted in systematic social problems such as reli-

²⁰ *Shao Shaping*. Controlling Terrorism Crime and international legal cooperation. Seeking, 2002. Vol. 1.

²¹ *Ren Jiyu*. Mozi. Shanghai People's Publishing Press, 1956. 5.

gious extremism, national separatism and extreme ideology.

Therefore, its solution must rely on a set of systematic solutions and must go through a long process. International parties must reach a consensus on "depoliticization of terrorist crimes" and oppose utilizing political, ideological, ideological, racial, religious and other reasons to justify terrorism; Attach importance to ensuring the people's

right to survival in poor countries; Improve and effectively implement domestic and international laws against terrorism; Strictly define the scope and scale of combating terrorism to avoid harming innocent people or causing excessive violations. Only by realizing the above can we effectively remove the "hanging sword" that threatens the survival rights of citizens in the world and dispel the haze of terrorism.