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North Korea Is A Bad Actor, But Not A State Sponsor Of Terrorism

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North Korea acts like an incorrigible child, only with nuclear weapons. Whenever hopes begin to build that Pyongyang is ready to try a new approach, it engages in some new mischief or malice.

Another nuclear test is expected shortly. But that seems almost mundane compared to the apparent assassination of Kim Jong-nam, half-brother of North Korean leader Kin Jong-un.

The Democratic People's Republic of Korea did not simply commit a bloody deed characteristic of authoritarian governments around the world. The regime likely used the deadly nerve agent VX at a busy airport filled with bustling travelers. The callous irresponsibility is almost breath-taking.

At least the development of nuclear weapons and long-range missiles, though more threatening, serves clear political and military purposes. Kim Jong-nam appeared to pose no danger to the existing regime. Even if Pyongyang was determined on murder, presumably the unguarded exile could have been killed the "old-fashioned" way, with a knife or gun at some other time.

So what to do about Pyongyang?

No one has any particularly good ideas. War would be disastrous. More sanctions aren't likely to work. Beijing is frustrated, but not yet ready to risk the consequences of undermining regime stability in the North. Rhetorical denunciations mean nothing to a government which has perfected the art of the international insult.

Now making the rounds is a proposal to put the DPRK back on the official State Sponsors of Terrorism list. Washington originally added North Korea in 1988 after the latter planted a bomb destroying a South Korean airliner. The act was classic terrorism, intended to instill fear prior to the Seoul Olympics.

The Bush administration removed the North from the list in 2008 in an attempt to further the so-called Six-Party Talks regarding Pyongyang's nuclear program. That effort went nowhere, and since then the DPRK has proceeded with both its nuclear and missile programs.

Out of frustration with the North the House last week approved legislation to put North Korea back on the terrorism list. A half dozen senators recently urged State to consider the possibility.

After the North's latest outrage, the Heritage Foundation's Bruce Klingner argued that "It is long past time for Washington to do the right thing and belatedly acknowledge that North Korea's repeated deadly acts legally constitute terrorist acts and justify returning the regime to the State Sponsors of Terrorism list." In practice, such a designation would allow the Trump administration to target financial transactions, mandate Washington's opposition to loans and aid from international financial institutions, and eliminate North Korean sovereign immunity from civil lawsuit.

The only problem with the idea is that the North's behavior, while odious, is not terrorism by any normal definition.

As the State Department explained, "Countries determined by the Secretary of State to have repeatedly provided support for acts of international terrorism are designated pursuant to three laws." Currently three countries are so designated, with dubious justification.

Sudan has been on the list since 1993. But Khartoum long ago abandoned its dalliance with al-Qaeda and U.S. officials acknowledge that Sudan assists Washington in combatting Islamist violence. Indeed, Khartoum likely faces a greater threat from the Islamic State than does the U.S. Washington still complains about Sudan allowing Hamas to raise money, but the latter governs Gaza after winning an election demanded by Washington. Nothing Khartoum does sounds like having "repeatedly provided support for acts of international terrorism." Indeed, State declared that "the United States is pleased with Sudan's cooperation and the progress being made in their antiterrorist activities."

Syria was added in 1979. Damascus long has been a repressive rather than terrorist state as most people would understand it. It has hosted offices for a number of Palestinian groups, some of which have committed terrorist acts, but which still falls far short of Syrian "sponsorship." Most recently the designation has been justified based on the Assad regime's support for Hezbollah in Lebanon and role as a transit point for foreign fighters into Iraq after the U.S. invasion. Hezbollah is another de facto government in conflict with Israel. Providing access to insurgents, some of whom may have committed terrorist acts, doesn't sound like "sponsoring" terrorism. In fact, Syria's policy also looks little different than Washington's support for various armed groups fighting against unfriendly governments over the years.

Even State admitted that "the Syrian government has not been implicated directly in an act of terrorism since 1986." And while Damascus has misused the term by accusing most all of its opponents of being "terrorists," in fact in the civil war the "terrorists" largely are on the other side, attempting to overthrow the regime while killing those who do not hold the most violent and virulent version of Islam.

The designation of Iran, added in 1984, is similarly dubious. Historically Tehran backed Palestinian terror groups, but that era is long over. Shia Iran has backed other extremist groups but has a generally, though not entirely, hostile record towards al-Qaeda, a Sunni group. Tehran has supported Hamas and Hezbollah, but as noted earlier, they are much more than terrorist organizations. Washington has complained about Iranian support for Yeminis under attack by Saudi Arabia and Bahrainis repressed by the minority Sunni monarchy backed by Riyadh. In these cases, however, Iran has more right on its side, backing the genuinely aggrieved victims, than do Saudi Arabia and, frankly, America.

Cuba only came off the list when the Obama administration decided to relax bilateral relations. But Havana was not a terrorist regime, its ugly repression notwithstanding. The government offered some support for leftist ELN and FARC insurgents in Colombia and hosted Basque separatist (ETA) fugitives from Spain, but the first was primarily a standard guerrilla fight and the second conflict had ended. Cuba failed to "sponsor" terrorism.

In all of these cases the designation, even if initially justified, eventually was turned into a political tool largely unrelated to terrorism. Washington has perfectly good policy reasons for targeting Hamas and Hezbollah, for instance, but support for such groups is not promoting terrorism in any normal sense of the word.

If the U.S. wants to sanction these nations for these activities it should do so directly, rather than treat sponsoring terrorism as a proxy for maintaining a hostile foreign policy. Far better to tailor penalties to specific offenses.

What of North Korea? In the 2007 country report, the year before the Bush administration removed the DPRK, State noted that the North "was not known to have sponsored any terrorist acts since the bombing of a Korean Airlines flight in 1987." Four Japanese Red Army members who hijacked a plane in 1970 took refuge in the North, but they may or may not still be alive. Pyongyang abducted a number of Japanese and South Koreans, who remain in the North, but such behavior, though odious, isn't terrorism.

That's the same with the bill of particulars prepared by Klingner. The DPRK is a bad actor. That's been evident for decades. But targeting Sony Pictures (for producing a movie centered around the assassination of its leader), launching cyber-attacks against South Korean targets, plotting to do the same against Incheon International Airport, jamming GPS signals for South Korean airliners, and sending agents to kill a defector and an anti-DPRK activist, as well as selling conventional arms to Hamas, Hezbollah, and Iran, just don't count.

Nor does the apparent assassination of Kim Jong-nam. Beyond the moral outrage of the murder, it was highly irresponsible to use such a dangerous agent in such a place. But the action was not terrorism. It doesn't warrant State putting the North onto the list.

Of course, one could simply expand the definition of terrorism to any act intended to influence the conduct of any government or people. *The Weekly Standard's* Ethan Epstein argued that the cyber-attack on Sony was "arguably an act of terrorism" since it was intended to influence Americans' conduct "by preventing them from seeing a movie that mocked North Korea." By this definition the U.S. government constantly commits terrorism, since it routinely intervenes in

an attempt to influence the conduct of other nations, both governments and peoples. By these terms loosing the Stuxnet virus on Iran was terrorism. So, too, were sanctions against Iran, Iraq, Sudan, Burma, Cuba, and North Korea. And military action—bombing and invading—presumably is the ultimate form of terrorism.

Again, the problem of North Korea should be addressed directly. The North poses a challenge not because it is sponsoring terrorism, but because it is taking many other, equally bad if not worse, actions. While the Kim assassination has captured public attention, developing a nuclear arsenal and long-range missiles poses a much greater threat. Affixing the terrorism label offers no relief.

U.S. policy toward the DPRK has failed. The Trump administration needs to undertake a serious rethink. But Washington should avoid the search for panaceas, such as claiming North Korea to be something it isn't. Instead, the U.S. should respond to what Pyongyang is.

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