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North Korea doesn't belong on state terrorism list

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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.

So it is with the apparent assassination of Kim Jong Nam, half brother of North Korean leader Kim Jong Un. The Democratic People's Republic of Korea, as North Korea is officially known, likely used the deadly nerve agent VX at a busy airport filled with bustling travelers.

So what to do about Pyongyang?

No one has any particularly good ideas. Some propose putting the North back on the United States' official list of state sponsors of terrorism.

Washington originally added North Korea in 1988 after the latter planted a bomb destroying a South Korean airliner. The Bush administration removed the North from the list in 2008 in an unsuccessful attempt to further the six-party talks regarding Pyongyang's nuclear program.

Out of frustration, the House Foreign Affairs Committee last year approved legislation reinstating North Korea on the terrorism list. Another House bill doing so was introduced in January and a half-dozen senators recently urged the State Department 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 ... list." 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 lawsuits.

Alas, 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-Qaida and U.S. officials acknowledge that Sudan assists Washington in combating Islamist violence.

Syria was added in 1979. Damascus has been a repressive rather than terrorist state as most people would understand it. It has hosted offices for a number of Palestinian groups. Most recently the designation has been justified based on the Assad regime’s support for Hezbollah in Lebanon, a de facto government in conflict with Israel. Even the State Department admitted that “the Syrian government has not been implicated directly in an act of terrorism since 1986.”

The designation of Iran, added in 1984, is similarly dubious. Historically, Tehran backed Palestinian terror groups, but that era is over. Iran has backed other extremist groups and supported Hezbollah and Hamas, which governs Gaza, but they are much more than terrorist organizations.

In these cases the terrorism designation was turned into a political tool largely unrelated to actual terrorism. If the U.S. wants to sanction these nations for these activities it should do so directly.

What of North Korea? In the 2007 country report, the year before the Bush administration removed North Korea, the State Department noted that Pyongyang “was not known to have sponsored any terrorist acts since the bombing of a Korean Airlines flight in 1987.” A number of actions by the North, though odious, aren’t terrorism.

That’s the same with the bill of particulars prepared by Klingner. Targeting Sony Pictures, launching cyberattacks against South Korean targets, jamming GPS signals for South Korean airliners and sending agents to kill a defector and an anti-North 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.

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 cyberattack 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.” But 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.

The problem of North Korea should be addressed directly. Affixing the label of state sponsor of terrorism offers no relief from the North’s misbehavior. Instead, the U.S. and its allies should respond to what Pyongyang is rather than what it isn’t.

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