The use of SOCMINT for the purposes of FININT in practice involves the large-scale monitoring and collection of personal and behavioural data of clients regardless of status, background or political affiliation. Civil liberty concerns over the prospect of an Orwellian ‘surveillance state’ and the tensions between the interests of individual privacy and national security once again become issues of public interest.

While it is true that financial institutions currently only have access to open source data, objections to big firms monitoring individual activity are perfectly reasonable. There is no clear guidance on the complex legal and ethical issues surrounding this emerging practice and its impact on the individuals involved.

Looking to the future, private entities using social media data will also need to consider the prospect of civil liability in cases where consent ‘for processing personal data’ in specific circumstances might be questioned in court by more dedicated privacy defenders.

The use of SOCMINT as a tool for the private sector to expand its FININT is still in its infancy, and many questions need to be addressed. Does data collected through social media merely lead to the generation of additional ‘red flags’ for financial institutions, rather than actually contributing to the simplification of the monitoring of suspicious behaviour? Has there been an impact assessment of the pros and cons of adopting this approach?

Information gleaned from social media may yet prove invaluable as FININT, but not unless analysts and policymakers have a clear understanding of its advantages and disadvantages, the correct legal framework for its use, and an appreciation of the ethical issues that accompany its use as FININT.

While SOCMINT and its many applications may seem attractive, it is clear that little assessment has been made of how precisely this source of information can be exploited. Any such assessment needs to consider the difficulty of distinguishing fiction from reality on social media, as well as appreciating the civil liberties issues involved, such as the proportionality of the level of intrusion in relation to potential gains, as well as the utility of pursuing this route in preference to other, less controversial, investigative practices.

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**Beijing’s North Korea Policy in 2016:**
**Keep Calm and Carry On**

Adam Cathcart

*Although North Korea’s nuclear and missile tests have rocked the relationship with China, both sides seem intent on keeping calm.*

Applying metaphors to Beijing’s relationship with North Korea is a difficult business. In recent years, China’s old bonds of brotherhood with North Korea have given way to a wary and often openly sceptical mutual outlook. The Chinese Communist Party’s (CCP) preferred metaphors for the relationship now rest on ‘shared mountains and rivers’, an ideologically neutral reference to the shared 1,400-km riverine boundary, but just as often, Chinese editorials note that the relationship is ‘in the ditch’ or that ‘North Korea is walking on a tightrope’ with Beijing. For its part, North Korea has refused to play a role in one particularly potent metaphor – Chinese President Xi Jinping’s frontier trade- and influence-expanding One Belt, One Road policy – and has turned its back on Beijing on multiple occasions while brandishing the ‘treasured sword’ of its nuclear capability.

North Korea’s fourth nuclear test on 6 January 2016 had been telegraphed three weeks prior by Supreme Leader Kim Jong-un himself. In remarks made from a 1940s-era small-arms factory and firing range, he alleged that North Korea would soon demonstrate hydrogen bomb capabilities to the world. While Kim’s play-acting in what amounts to his grandfather’s clothing is now de rigueur, the timing of his statement was anything but a large Korean People’s
Army delegation had just arrived in Beijing, and Kim Jong-un’s ‘court orchestra’, the Moranbong Band, an all-woman pop group, was poised to start a series of concerts at Beijing’s most prestigious venue. The band and the army chorus were promptly removed from the stage, and Chinese–North Korean relations significantly cooled leading into the nuclear test and the missile test that followed it in February.

A new round of Chinese-enabled sanctions was quickly levied on North Korea. In March 2016, in the immediate aftermath of these sanctions, I spent a week in the key border city of Dandong. It was instructive to be on the ground at that time, as a great deal of conflicting information was circulating – and continues to circulate – about trade volumes and the depth of Chinese sanctions enforcement.

As is often the case, the urgency and drama of public discourse about a pending Chinese–North Korean breakup was muted in Dandong, where the pragmatic considerations of enterprise and profit tend to hold sway. There was certainly no shortage of North Korean workers there; large factories said to be staffed with North Koreans in the Zhenxing district continued to operate, and near the old Friendship Bridge and city centre, a handful of displays of conspicuous North Korean wealth were evident, including a large gold Lexus SUV displaying North Korean diplomatic plates.

Chinese officials responsible for the new North Korea trade zone on the Chinese side of the border in Guomenwan told me that they were concerned that sanctions were less of a problem than North Korea’s disinterest in large-scale bilateral trade. Believing that they were talking to a foreign businessman seeking to open a small factory in their zone, the officials also told me that ‘private contacts’ rather than state channels would allow for ongoing business deals with North Korea. The same type of arrangement was implied with respect to the possible employment of North Korean labourers in China. Meanwhile, the Chinese state continues to engage in a construction bonanza along the North Korean border, with efforts ranging from new customs’ houses to high-speed rail links from the larger cities in central Manchuria such as Harbin, Changchun, Shenyang and Dalian. Anecdotes from the front line are perhaps as flawed as any other reportage, but they are valuable for both the absence of systemic and open trade data and in the face of the tendency to imagine that satellite imagery holds the key to understanding the quality and quantity of cross-border interactions.

If the expansion of Chinese commerce along the North Korean border has an inexorable air about it, what, then, about the relationship between the Beijing and Pyongyang regimes, between the CCP and the Korean Workers’ Party? Much like analysts who adopt the inevitability of North Korea’s state collapse as their central assumption, those who frame Chinese–North Korean relations as being on a fateful road towards Beijing’s final betrayal of the Kim family regime in Pyongyang may also be guilty of intellectual fallacies. President Xi Jinping seems unlikely to cut North Korea loose, nor has South Korean President Park Geun-hye succeeded in driving a firm wedge between Beijing and Pyongyang. As can be seen in Beijing’s critiques of US anti-missile technology in South Korea, there are strong forces that prevent the CCP from jettisoning North Korea. We discount at our peril the power of continuity, simple inertia, bureaucratic and cultural compatibilities, and an alliance structure that maintains the Sino–North Korean relationship. As ought to have been clear since Mao Zedong’s shock intervention in the Korean War in 1950, Beijing rarely frames its own interests in the same way as the West would.

In early 2016, four possible structural adjustments of note came from Beijing in its relations with North Korea. As with most official actions concerning North Korea, China’s approach was encouraging on the one hand and punitive on the other.

First, in the face of stalled Six-Party Talks, on 17 February Chinese Foreign Minister Wang Yi endorsed a new diplomatic approach toward North Korea by embracing a broader peace negotiation focusing on ending the formal state of war on the peninsula. In effect, Wang was calling for a two-track approach to US relations with North Korea that would incorporate both peace talks and denuclearisation. The overt Chinese endorsement of this approach should be counted as a diplomatic win for or a concession to North Korea, since Pyongyang has
have been arguing for years that it wants such talks to proceed with the US – bypassing entirely the nuclear issue, which the US has identified as the very barrier to diplomatic normalisation and peace talks. Rather than being seen as an innovative opening, the Chinese endorsement of peace talks (which have not begun in any case) should bolster North Korean confidence, add further incoherence to an already complex impasse, and portend further splits in the ostensibly united front against North Korean nuclear weapons development.

The second adjustment was the apparent return of the International Liaison Department (ILD) channel with North Korea. Under Xi Jinping’s leadership, China has been in the process of handling North Korea more through the foreign ministry than through traditional ILD party-to-party relations. As Wang Yi put it in response to a canned question from the Global Times at the Fourth Session of the Twelfth National People’s Congress on 9 March 2016, China has a ‘normal state-to-state relationship with North Korea built on a deep tradition of friendship’. However, the ILD seems to have made a comeback, even after rumours that its dealings with the North Korean pop band in Beijing had badly insulted the Koreans in the process of asking them to leave (having had, as the foreign ministry called them on 14 December 2015, ‘communication issues at the working level’).

The ILD’s continuity with North Korea is a good sign for Kim Jong-un, because it shows that China wants to move towards strengthening party-to-party ties, which are more robust than the twinning of two relatively powerless foreign ministries. Xi’s meeting in May 2016 in Beijing with Kim Jong-un’s envoy Ri Su-yong ran a mere 20 minutes, including interpretation; but the fact that the meeting happened at all indicates Xi’s commitment to the party-to-party relationship.

The third adjustment from Beijing was the tightening of sanctions. The caveats applied by Chinese diplomats and state media outlets themselves should make it clear that China has no intention of allowing sanctions to be used as a means of economically strangling North Korea. Normal trade will continue, in spite of the cracking cross-border infrastructure. The focus on coal trade can also be deceptive; China is restructing the totality of its coal industry in the northeast and, as this author witnessed in South Pyongan province in North Korea in March 2016, there is plenty of latitude and production for Kim Jong-un and the Korean People’s Army (which controls much of the supply) to turn coal supplies to domestic use.

The fourth and final adjustment was about possible changes to the handling of North Korean refugees. In April 2016, the defection to South Korea of twelve North Korean waitresses and a restaurant manager from the Chinese coastal city of Ningbo led to speculation that China had turned a corner on the issue of North Korean refugees. It was suggested that Beijing was sending a clear and punitive signal to North Korea by allowing the thirteen defectors to exit the boundaries of China rather than hunting them down and sending them back to North Korea. What this overlooks is China’s rather more pronounced openness to North Korea sending official labourers to the country, and the fact that if North Korea’s own intense external surveillance of these workers fails, the already overburdened Chinese public security or border control apparatus will not be mobilised. More importantly, in its media blitz denouncing South Korea for having prompted the defections in the first place (including CNN interviews for well-coached co-workers of the defectors), the North Koreans have allowed no criticisms whatsoever of China for effectively enabling the departures.

Another small event that might have signalled a PRC adjustment to the refugee issue occurred in Beijing in March 2016, when Hyeonseo Lee, a well-known author and refugee activist living in Seoul, was allowed to appear at the Bookworm Literary Festival for the first known public speech ever in China by a North Korean defector. While Lee explained to me that she feared for her safety in Beijing and was urged to leave early (she did), her appearance should not be over-interpreted as some signal of impending policy change, or even the threat of one, in the halls of power in Beijing with respect to the latitude offered to North Korean refugees or dissidents in China.

In May 2016, the North Korean Workers’ Party held a congress to which foreign delegations – including the CCP – were not invited. However, the Chinese media was largely friendly in its analysis of the event. Afterwards, China sent its Olympic basketball team to Pyongyang to be observed by Kim Jong-un personally (although the Chinese embassy in the city did not attend the event, and the Chinese ambassador there has not had a chance to meet with Kim Jong-un since their first handshake in October 2015). More disappointing for China than the now-familiar orgy of rocket launching from North Korea is the fact that the anticipated youth movement in North Korean politics has not materialised. As the Seventh Workers’ Party Congress made apparent, Kim Jong-un is surrounded by old men – many of whom seem to have elected to die in office rather than retire (the average age of the Central Committee is over 77).

To speculate about a pending bilateral meeting between Kim Jong-un and Xi Jinping is probably fruitless. Although the North Korean leader has changed out of his army coat and is back to the factory and museum circuit, he has shown little interest in a trip to Beijing, nor in listening to advice from his comrades. The recent Chinese–North Korean opposition to the deployment of US Army Terminal High Altitude Area Defense (THAAD) anti-missile defence units in South Korea has resulted in a temporary concord, even resulting in Xinhua editorials being read aloud on North Korean television. However, the outlook for the rest of the year between the two nations is likely to remain unsettled and choppy in the ‘shared mountains and rivers’ between China and North Korea.

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