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From Cobalt to Cars: How China Exploits Child and Forced Labor in the

Congo

Hearing

Congressional-Executive Commission on China

Opening remarks by Chairman Chris Smith (R-NJ)

Washington, DC - November 14, 2023

Good morning. Today's hearing "From Cobalt to Cars: How China Exploits Child and Forced Labor" will come to order.

This Commission knows all too well about the Chinese government's egregious human rights abuses, blatant disregard for international law, and its ever-expanding authoritarian influence beyond its own borders.

This influence is pervasive—felt in board rooms and c-suites, in supply chains and on assembly lines, in classrooms and textbooks, in cities in our very own country, and indeed, in other countries, as well.

Today's hearing will highlight China's malign influence in Africa, specifically in the cobalt mining industry of the Democratic Republic of the Congo (DRC).

China's long repressive arm is ubiquitous in the DRC. Located in central Africa, the DRC is massive and blessed with natural resources, including metals and minerals. It is a country that has been brutally pillaged throughout history—fueled by corrupt men's unquenchable thirst for power, riches, land, rubber, copper, palm oil, and now, cobalt—all at the expense of innocent men, women and children.

The DRC is home to more than 70% of the world's cobalt, an essential metal for lithium-ion batteries, powering our smartphones, laptops, computers, and electric vehicles¹ – lest we forget our complicity through our use of such cobalt in our everyday lives.

Siddharth Kara's book, *Cobalt Red – How the Blood of the Congo Powers Our Lives*, vividly describes the tragic realities of this industry that has all too-willingly turned a blind eye to human dignity. "There is no such thing as a clean supply chain of cobalt from the Congo,"² says Kara.

Kara writes in the book: "...stakeholders have formulated international coalitions to help ensure that their supply chains are clean. The two leading coalitions are the Responsible Minerals Initiative (RMI) and the Global Battery Alliance (GBA)...The GBA has developed a Cobalt Action Partnership to 'immediately and urgently eliminate child and forced labor from the cobalt value chain.'"³

Kara, however, goes on to write: "In all my time in the Congo, I never saw or heard of any activities linked to either of these coalitions."⁴

¹ John Campbell, "Why Cobalt Mining in the DRC Needs Urgent Attention," *Council on Foreign Relations*, Oct. 29, 2020.

² Siddharth Kara, *Cobalt Red – How the Blood of the Congo Powers Our Lives*, (New York, NY; St. Martin's Publishing Group, 2023), 17.

³ Siddharth Kara, *Cobalt Red – How the Blood of the Congo Powers Our Lives*, (New York, NY; St. Martin's Publishing Group, 2023), 4-5.

⁴ Siddharth Kara, *Cobalt Red – How the Blood of the Congo Powers Our Lives*, (New York, NY; St. Martin's Publishing Group, 2023), 5.

To this day, child and forced Congolese laborers toil in hazardous conditions to extract cobalt from unsafe mines including artisanal mines in the DRC.

Hastily dug artisanal mines are always subject to collapsing—and many have indeed collapsed, crushing, amputating, and killing miners, including children.

It's impossible to escape the disastrous environmental impacts of cobalt mining in these communities—as the very air they breathe and the water they drink are contaminated by toxic chemicals, dirt, and sediment.

The biggest beneficiaries of this cobalt continue to remain silent and refuse to face this uncomfortable truth: From dirt to battery, from cobalt to cars, the entire system is fueled by violence, cruelty, and corruption.

“Therein lies the great tragedy of the Congo’s mining provinces,” says Kara, “no one up the chain considers themselves responsible for the artisanal miners, even though they all profit from them.”⁵

China has gained almost full dominance of every single step of the cobalt supply chain.

Money talks and human rights go right out the window. Corrupt government officials in the DRC sign billion-dollar deals with China and pocket the money for themselves. Major companies—both Chinese and Western—close their eyes.

Over a year ago—on July 14, 2022—I chaired a [hearing](#) of the Tom Lantos Human Rights Commission entitled **Child Labor and Human Rights Violations in the Mining Industry of the Democratic Republic of Congo**.

⁵ Siddharth Kara, *Cobalt Red – How the Blood of the Congo Powers Our Lives*, (New York, NY; St. Martin’s Publishing Group, 2023), 65.

One of our expert witnesses, attorney Herve Diakiese Kyungu, testified:

“Child labour is one of the worst forms of abuse. It is forbidden by both Congolese legislation as well as international rules and norms.

“In the mining industry in my country, the Democratic Republic of Congo, children are often exposed to radioactive minerals, injuries, deadly and painful diseases.

“For example, with respect to the extraction of Cobalt in artisanal mines within the Lualaba province, children are routinely used as part of the workforce. They are unremunerated and exploited and the work is often fatal as these children are required to crawl into small holes dug in the earth to recover sacks of ore containing rich grades of heteroginite which is almost 60% cobalt.

“These children are not going to school; their health is exposed as they are living in precarious conditions.”

Another witness at that hearing—also from the DRC, was Father Rigobert Minani Bihuzo, a Congolese Jesuit priest and head of the Research, Peace, Human Rights, Democracy and Good Governance Department at the Research Center for Social Action for the DRC.

He pointed out that their “report noted that artisanal miners are not provided with any protective equipment. They work 7 days a week and more than 12 hours a day. In reality, their working hours are not defined. It includes weekends and holidays. They are exposed to radiation from the products they use and to the danger of the explosives they use.”

The United States has been asleep at the wheel for far too long and China has taken advantage of that. We need to provide alternative options—options that champion transparency, human rights, peace, and prosperity for all.

This week I will be introducing legislation to ensure that goods made using or containing cobalt refined in the People’s Republic of China does not enter the United States market under the **presumption** that it is extracted or processed with the use of child and forced labor in the Democratic Republic of Congo.

Among its provisions, the bill called the China’s Odious and Brutally Atrocious Labor Trafficking Supply Chain Act” or “COBALT Supply Chain Act” will—as we did with the [Uyghur Forced Labor Act](#)—require the Customs Commissioner to apply the presumption unless the Commissioner determines that the importer of record *of the covered goods being imported* has—

- (1) demonstrated by clear and convincing evidence that the covered goods were not made or manufactured in the PRC using or containing cobalt.

The Convention on the Rights of the Child recognizes “the right of the child to be protected from economic exploitation and from performing any work that is likely hazardous.”

By ignoring these rights and by treating people including children as expendable, China is committing gross violations of human rights and are seeking to rewrite the international order—all while controlling the supply chains of this critical metal, cobalt.