

**CONGRESSIONAL--EXECUTIVE COMMISSION ON CHINA HEARING ON
HUMANITARIAN AND POLITICAL PROBLEMS OF THE PRC'S MINING
PRACTICES FROM A CONGOLESE PERSPECTIVE, INCLUDING CORRUPTION
AND FORCED AND CHILD LABOR.**

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Thank you, Mr. Chairman Smith and Co-Chairman Senator Merkley and thank you to all the distinguished members of the Congressional Executive Commission on China for what you are doing, and especially for holding this hearing at a time when a lot is going on around the world - leaving many people worried about tomorrow and the future. From the ongoing illegal and unjustified Russian war of aggression against Ukraine, which has affected the entire world such as exporting global inflation and exacerbating food insecurity throughout Africa; to the crisis in the Middle East and rising tension in the African Great Lakes region which has displaced millions of people out of their homes and left them in grave and urgent need of humanitarian assistance. I appreciate your Leadership and attention on these issues. Thank you very much.

Before I move to the main points of my remarks, I would like to, quickly, mention that almost 8 years ago, I graduated from the United Military Academy at West Point. I was in the class of 2014. Forever One Team (motto of my class). The appointment at the Academy was the greatest honor of my life. And I would like to take this opportunity to express the depth of my profound gratitude to this great country (the USA), the members of the Congress and the American people for having given me such an opportunity. Thank you!

While at the Academy, I had the opportunity to meet and get to know some of the finest young men and women this country has to offer. Some of them have become dear friends and like family to me. I do my best to keep up with them - hearing about their daily lives and the progress they are making in achieving the American dream --no matter where they are serving around the world. And I am always inspired by their selfless-service and commitment to DUTY, HONOR and COUNTRY. Like all men and women in uniform, I am always inspired by their selfless-sacrifice to serve a noble cause greater than themselves—defending our collective freedom and the preservation of democracy around the world. I have no single doubt that, regardless of current challenges and turbulences, whether at home or abroad, the future of this great nation will be in good hands. I am very proud to call them my classmates and dear friends: Thank You.

I am truly honored and humbled to be here. And happy to share with you my modest understanding of issues we are discussing today; and hopefully, together, we can find sustainable solutions on how to effectively address these problems and try to leave this world a bit of a better place for all. I am optimistic that, working together, everything is possible, and we can do it.

These are just my independent views--observing a situation that is becoming more and more alarming and concerning. As a member of the African diaspora and working with the Atlantic Council on the future of USA, China, and Africa relations in this new area of global powers competition, I follow these issues closely. The situation is even closer to my heart, because I have

reached out and assisted in some social cases, where we try to find ways to send kids to school so that they don't find themselves abused in these inhumane conditions.

I rarely speak in public. However, at some point, the voices, and messages -- describing horrific human conditions in which kids and women are working in the DRC mining, cannot let any one of good conscience remain indifferent. As a society and humanity, we have a moral and ethical obligation to denounce and act. All actors involved and who can do something positive about this, especially the public and private partnership, should pay attention. History will hold us accountable.

I don't know everything. As a matter of fact, every day, I am still learning and get educated about these issues. My testimony will, primarily, focus on humanitarian and political problems of the PRC's mining practices from a Congolese perspective, including corruption and forced and child labor and we can address it.

Historical Perspective:

Almost 180 years ago, in the mid of the 19th century, the rubber tire was invented. Sadly, this apparent progress for humanity and our civilization came at a heavy cost of human exploitation—because to support the boom and demand of the bicycles and automobile industry at the turn of the 20th century, the world had to increase the production of rubber that was only coming from the Belgian Congo at the time. It was called Congo Free State then. Ours ancestors in Congo carried the scars of this burden and consequences can still be felt today. However, with public campaigns, especially from independent journalists/writers, such as Joseph Conrad, missionaries, and others—writing the true stories what was happening-- eventually this tragedy ended and led to Congo independence in 1960. I will not have time to get further in details, but if interested and have time, I will recommend reading the book, “*King Leopold's Ghost*”, by Adam Hochschild to grasp the magnitude of this tragedy.¹

The progress of civilization shouldn't come at the expense of human exploitation. It is possible to ensure our prosperity while concurrently defending and protecting human dignity and freedom. Today, with the green power revolution to meet the demand of batteries production to save the planet from climate change, similarities are striking. History should not be repeating itself here. We have sufficient data, information, and policy tools to change the course of history by acting and avoiding past mistakes. It will take Leadership. I am optimistic that with these kinds of public hearings, we will raise global awareness on these issues and put an end to these shameful practices that don't honor our society. And I believe education is a key part of the solution. Will talk more about that in my conclusion.

¹ Adam Hochschild “*King Leopold's Ghost: A Story of Greed, Terror, and Heroism in Colonial Africa*”, October 1st, 1999.

The problem:

What is happening in the DRC, in this 21st century, as related to child labor and humanitarian catastrophe is dehumanizing and inadmissible. No one's child, mother, brother, sister, and father should ever work and be in such conditions. It offends human dignity, honor, and conscience.

Reports and images of children under 10 years old carrying 20kg to 60 kgs of bags full of sands--containing cobalt and copper, ship to China for refinery; and then fed into the critical minerals supply chain to power the global energy transition from fossil fuel to clean energy are unacceptable, morally offensive, and shocking. Despite reforms, a well-documented Washington Post article provides details of the shortcomings to address these issues of child labor and human rights violation at a severe human cost.²

Over 40,000 children are reported to work in these mines, mostly owned by Chinese companies (15 out of 19 companies operating in Katanga, for example). The DRC supplies to the world about 70% of cobalt and 30% of which is Artisanal mining, where the most egregious human rights violation occur because of the lack of transparency, accountability, and rampant corruption. Picking up rocks with bare hands, without shoes, without medical insurance and adequate protective gears leave miners exposed to contamination. Tunnels land mine collapse that often led to death. And these children are not even paid. They are basically being exploited and abused. A typical person working in these mines is barely, making \$250 a month, despite all the hard work, according to an authoritative Amnesty International 2016 report.³ Various US government agencies/department such as of State and Labor, including the EU and UN reports, have substantiated those allegations.⁴

Next to the humanitarian cost is environmental degradation that is affecting the health of the population living in the vicinity. Cases of people suffering from cancer, lung diseases and DNA modification because of exposure to toxic chemicals and wastes damped by mining operations are poignant. Credible scientific reports have shown that, these wastes have severe consequences on the local population and the environment and yet no one is held accountable. A recent book, "Cobalt Red: How the Blood of the Congo Powers Our Lives" by Siddharth Kara, provides the most coherent and comprehensive understanding and analysis, both in scale and scope of this humanitarian tragedy.⁵

Why is this problem persisting?

Extreme poverty, rampant corruption, the lack of quality governance, the lack of the rule of law, the lack of access to credible information and the lack of access to quality education of the local

² Despite reforms, mining for EV metals in Congo exacts steep cost on workers.

After revelations of child labor and treacherous conditions in many cobalt mines, automakers and mineral companies said they would adhere to international safety standards: <https://www.washingtonpost.com/world/interactive/2023/ev-cobalt-mines-congo/>. August 4th, 2023.

³ Democratic Republic of Congo: "This is what we die for": Human rights abuses in the Democratic Republic of the Congo power the global trade in cobalt, <https://www.amnesty.org/en/documents/afr62/3183/2016/en/>, January 2016.

⁴ Minimal Advancement – Efforts Made but Regression in Practice that Delayed Advancement, <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/congo-democratic-republic-drc>, 2022.

⁵ Siddharth Kara, *Cobalt Red: How the Blood of the Congo Powers Our Lives*, 2023

population are the most underlining causes of this humanitarian tragedy.⁶ And China simply took advantage of the situation. The complicity between DRCG officials and private sector company is, unfortunately, fueling and perpetuating this problem. And even sadly, that, the current DRC regime has miserly failed to address these issues, especially of fighting corruption. And its promises to revise the 2008 Chinese mining contracts have barely brought concrete results.⁷

What can be done?

We should work on reducing Chinese dominance in the DRC mining sector, while mitigating the global reliance on the Belt Road Initiative by de-risking and diversifying our supply chain. Particularly, we must address the issues of child labor and corruption, as proposed by Congressman Smith in the Bill to ban certain goods made with child labor or forced labor in the Democratic Republic of the Congo--to NOT enter the United States, Mexico, and Canada markets.⁸

The primary goal should aim at country building approach by enabling the DRC to power the global green revolution to fight climate change. Look for inspiration from South Korea (electronics), Finland (mobile phones) and Latvia (cyber security).

Secondary Goals should aim at:

- Establishing the DRC as a global hub for electronics manufacturing by maximizing the country's abundant natural and human workforce resources (incl. low wages), access to global trade routes, geographic location at the center of Africa, and so forth. For example, the USA, DRC, and Zambia MoU to build the EV batteries chain is a good initiative. The Lobito corridor project that will connect Zambia, DRC, and Angola all the way to the Atlantic coast will further reinforce the policy of de-risking and diversification.
- Providing Western and the U.S. market with an alternative to China through the advancement and aggressive implementation and expansion of the African Growth Opportunity Act (AGOA), US International Development Financial Corporation (USIDFC), and Prosper Africa programs. Additionally, we should support the ratification of the African Continental Free Trade Agreement (AFCTA) so that is free and independent from China influence.
- Furthering brand awareness of Congo Cobalt and the life-saving impact it can have on local communities when properly managed; coupled with aggressive campaign to illustrate the wastefulness of shipping earth to China for processing and the polluting effects of said trade on the world's environment.
- Providing DRC/Artisanal Small-Scale Mining with the tools (both electronic and physical) to ensure fair and adequate compensation for their product in line with international market conditions.

⁶ Minimal Advancement – Efforts Made but Regression in Practice that Delayed Advancement, <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/congo-democratic-republic-drc>, 2022.

⁷DRC demands \$17bn for infrastructure from China, <https://www.globalconstructionreview.com/drc-demands-17bn-for-infrastructure-from-china/>, February, 17, 2023

⁸ Smith introduces bill to bar all imports that contain cobalt mined by child exploitation and forced labor trafficking in the Democratic Republic of Congo, <https://chrissmith.house.gov/news/documentsingle.aspx?DocumentID=411555>, June 30th, 2023.

- Ensuring the continued use of cobalt in electronics through rapid enforcement of existing laws to discourage further funding of alternative stabilizing materials for use in battery manufacturing.

What should Made in Congo stand for?

- Leader in conflict free - certifiably traceable - ‘ingredients’ on the box
- Highest quality standard ensured - this needs to be enforced from the start... and the popular perception about Made in Congo products must be reversed.
- Products that power the green revolution worldwide
- Secure because traceable - marketing to national grids and others. MUST cultivate a reputation for not cutting corners or forging documents/ingredient lists.

Conclusion and Recommendations:

Concurrently with the enforcement of due diligence and compliance with laws and regulations, from the source of extraction of natural resources to refineries to ensure a clean supply chain, there are already plenty of good ideas, as mentioned above, on how we could address these issues of child labor and corruption. It will just take the political will and leadership. But here are few concrete solutions, I would like to share with you:

1. Continue raising awareness: We must stay engaged and keep raising a spotlight on these issues. We shouldn’t shine away from them because perhaps of the complexity of the situation. It is a human tragedy and as a society we have a moral obligation to intervene and stop this. Let’s not be naïve. Talking about this will not automatically solve the problem. But the fact that, the world can talk about this, and the more people are well informed and become aware of this tragedy, let’s be optimistic that solutions will be found, and these children will go back to school, where they must belong in the first place and get an education to have a better future. And hopefully, China will pay appropriate attention and play a positive role to alter these conditions.

2. Strengthening, reinforcing, and improving the Public-Private Partnership: Governments across the board, working with Big Tech companies and even development/financial institutions with direct impact and influence in the market, should all use their leverages, incentives, and tools possible to ensure a clean supply chain not tainted with child labor, corruption, and human rights abuses. For example, the EU Global Gateway, the Minerals Security Partnerships (MSP) and the Partnership on Global Infrastructure and Initiative (PGII) are ways to start and go. The more USA and allies are less dependent on Chinese supply chain by applying the policy of de-risking and diversification, the more likely that, global consumers, mainly US market will not import semiconductors, phones, computers, etc....from China. The lack of access to EU and USA markets will significantly impact profitability of these businesses. The Uyghur Forced Labor Prevention Act (UFLPA) by the DHS/ Forced Labor Enforcement Task Force (FLETF) is a good example of this approach. USA and allies should do the same, as related to child labor in DRC mining. And apply targeted sanctions, accordingly.

2. Engaging China: In our strategic engagement with China about global issues of mutual interests, mainly China here, because Chinese companies are the main buyers of DRC minerals(over 70%) and have greatest refineries in the world(about 60 to 90%)⁹, we should be talking to Chinese officials and its private sector companies, to frankly, investigate these issues and do everything they can to help address them. I would like to think that China will understand, especially if it wants to be perceived as a responsible global power. Failure to do that, continuing this exploitation, while robbing these children of their futures will tarnish China reputation and will not be good in longer term. China should see this as its own problem and pressure the DRCG and its private companies to comply with due diligence and making sure that its supply chain is clean of child labor and human rights abuses.

3. Emphasizing the responsibility of the DRCG itself. This is not often evoked; however, the DRCG must take its responsibility by making sure laws are fully enforced and those trespassing those laws are punished and sanctioned. The DRGG should carry out the heavy weight by taking ownership and leadership to fix this problem. USA and private sector companies' involvement can be in supportive capacity to help the DRCG in this endeavor; however, this issue is fundamentally the responsibility of the DRCG. The DRCG must make sure that the rule of law and quality governance are enforced and prevailed, without which it will be difficult for external actors to try to assist. DRCG officials implicated in collusion with these practices of corruption must be prosecuted and held accountable.

4. Supporting and protecting independent and credible reports, research, and whistleblowers: we should keep working and supporting independent and credible civil society movements that can report about these issues with credibility. In this area of disinformation and fakes news, we need access to factual, credible, and reliable data, information, and intelligence to make right decisions. At the same time, providing the necessary resources to appropriate organizations doing this kind of work.

5. Defending, reinforcing, and promoting democracy, the rule of law and quality governance: Upcoming DRC elections are an opportunity to ensure LEGITIMACY of institutions without which instability, poor governance, and lack of rule of law persist and perpetuate these problems. Let's make sure that, upcoming Congo elections are credible and transparent. May the best of all wins the election and let's the will of the people prevail (Vox Populi, Vox Dei). A strong, dynamic, resilient, and thriving democracy in the DRC is in our national security interests. It will be a boost for the entire region for decades to come and have ripple effects across Africa. In that regard, I hope sincerely to hope that the BUILD To the Congo Act Bill will become a law and become the US official policy and strategy toward the DRC and the region¹⁰.

⁹ How to Break China's Hold on Batteries and Critical Minerals

The security of clean energy is easier to manage than the security of oil, <https://foreignpolicy.com/2023/10/04/ev-electric-china-us-batteries-critical-minerals-energy-oil-renewable/#:~:text=Today%2C%20China%20performs%20around%2060,and%20processing%20of%20most%20minerals>. October 4th, 2023.

¹⁰ Representative John James (MI-10) introduced the Building Relationships and Increasing Democratic Governance through Engagement (BRIDGE) to DRC Act to the U.S. House of Representatives. The bill aims to create a US National Strategy to secure United States supply chains involving critical minerals sourced from the Democratic

6. Lastly, investing, heavily, in education: As Nelson Mandela, once remarked, “Education is the most powerful tool to change the world”. At the end of the day, education, education, and education is key, if we are to help these children escape these conditions (against their will) and escape poverty, the main cause of why, they are there. We should make sure that they have access to quality education and not be caught between the global race to energy transition and global powers competition. No parents would like to see their kids in these conditions. Every parent’s hope is that their children have access to good education and have a better future. When looking in the eyes of these children-- and by the way, seeing, myself not far and different from them, I feel they deserve better, and we should help them. We should build more schools and libraries for these children so they can grow up and be well informed and educated citizen that the world can count on and rely on to solve its 21st century challenges.

Thank you, for having me and looking forward to your questions...