


DEVELOPMENTS IN THE FIELD

The Blood Cobalt Narrative: Addressing Human Rights Concerns or Scaremongering?

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Abstract

Batteries containing cobalt will play a central role in the global transition to cleaner energy. Most of the world's cobalt comes from the Democratic Republic of the Congo (DRC). However, the negative human rights image of the minerals sector in the DRC, and the emergence of an inaccurate and exploitative “blood cobalt” narrative risks harming small-scale, ‘artisanal’ producers who rely on this industry for their livelihood. The DRC government, civil society and small-scale producers already have a roadmap for ending child labour and improving working conditions. Countries and companies whose economies and business interests rely on these precious natural resources should engage with this roadmap rather than disengaging from the country's mining sector altogether.

Keywords: cobalt; Democratic Republic of the Congo; energy transition; mining

1. Introduction

As the world moves away from oil and gas, the global economy will come to rely increasingly on a small group of minerals that are used in batteries to store renewable energy and power electric vehicles. These minerals include lithium, nickel, manganese and cobalt.

One country that could benefit more than most from this transition is the Democratic Republic of the Congo (DRC). Sub-Saharan Africa's largest country holds approximately half of the world's cobalt reserves and currently accounts for more than 70 per cent of global production.¹

However, the DRC's huge reserves of this mineral have prompted increased criticism of its largely unregulated so-called ‘artisanal’ mining sector – where child labour, accidents and exploitative business practices are common – and the emergence of a narrative depicting the resource as ‘blood cobalt’. This is despite the fact that most Congolese cobalt production comes from industrial, i.e., corporate, mining.²

While the foregrounding of these issues might appear to be beneficial to the communities that rely on artisanal mining, they risk making matters worse, for example by encouraging companies to stop buying cobalt from the DRC.

¹ U.S. Geological Survey (USGS), *Mineral Commodity Summary: 2022* (Reston, Virginia: U.S. Geological Survey, 2022), <https://pubs.usgs.gov/periodicals/mcs2022/mcs2022.pdf> (accessed 16 January 2024).

² Andrew L Gulley, ‘One Hundred Years of Cobalt Production in the Democratic Republic of the Congo’ (2022) *Resources Policy* 79.

Instead, there needs to be a clear focus on the steps that the Congolese authorities and companies along the cobalt supply chain need to take to improve standards in the artisanal sector so that human rights are respected.

II. Addressing Human Rights Concerns or Scaremongering?

Most cobalt produced in the DRC comes from large-scale industrial mines operated by multinational companies, but some of it is hand-dug in informal mines and traded via mainly Chinese intermediaries.³

In 2016, the organizations Afreewatch and Amnesty International collaborated on a report that documented how children as young as eight were involved in artisanal mining, and reported how conditions for both child and adult miners were exploitative and hazardous.⁴ The report traced the supply chains of leading western tech and auto manufacturers to these mines and showed how many of the world's most popular brands were failing to detect these problems and conduct human rights due diligence in line with international standards. A follow-up report by Amnesty International further assessed, and criticized, the human rights due diligence policies and practices of 29 global companies.⁵ Guidance on how to conduct such due diligence in the mineral supply chain from so-called 'Conflict-Affected and High-Risk Areas' was developed by the Organisation for Economic Co-operation and Development (OECD).⁶ This guidance calls on companies to map their supply chains, investigate human rights risks and then take meaningful steps to address them.

Interest in the DRC's cobalt reserves has grown significantly since the Afreewatch/Amnesty International report was published eight years ago. The world urgently needs to end its reliance on fossil fuels to meet emissions targets and tackle climate change. The energy transition will require a range of strategies, but there is no doubt that batteries containing cobalt will play a central role in many of them, including through powering electric vehicles and storing renewable energy.⁷ According to the International Energy Agency, demand for cobalt could therefore increase by up to 20-fold by 2040.⁸

The DRC's importance to the global energy transition has seen the world's largest economies ramp up their diplomatic efforts to strengthen relations with the country. At a summit of African leaders in the US capital, Washington, DC, in December 2022, the US administration pledged to develop a supply chain for electric car batteries in the DRC and neighbouring Zambia.⁹ In May 2023, China's president Xi Jinping invited his counterpart

³ In 2016, government officials told Afreewatch and Amnesty International that some 20 per cent of cobalt was hand-dug. In 2023 the figure presented by an official body – the Congolese Battery Council – was as low as 8 per cent.

⁴ Amnesty International and Afreewatch, *This is What We Die For: Human Rights Abuses in the Democratic Republic of the Congo Power the Global Trade in Cobalt* (London: Amnesty International and Afreewatch, 2016), www.amnesty.org/en/documents/afr62/3183/2016/en/ (accessed 16 January 2024).

⁵ Amnesty International, *Time to Recharge: Corporate Action and Inaction to Tackle Abuses in the Cobalt Supply Chain* (London: Amnesty International, 2017), www.amnesty.org/en/documents/afr62/7395/2017/en/ (accessed 16 January 2024).

⁶ OECD, *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas, 3rd edition* (Paris: OECD Publishing, 2016), www.oecd.org/daf/inv/mne/OECD-Due-Diligence-Guidance-Minerals-Edition3.pdf (accessed 16 January 2024).

⁷ Amnesty International, *Energy Transition*, <https://www.amnesty.org/en/what-we-do/climate-change/energy-transition/>, (accessed 22 January 2024).

⁸ International Energy Agency, *The Role of Critical Minerals in Clean Energy Transitions* (Paris: International Energy Agency, 2022) p 149, <https://iea.blob.core.windows.net/assets/ffd2a83b-8c30-4e9d-980a-52b6d9a86fdc/TheRoleofCriticalMineralsinCleanEnergyTransitions.pdf> (accessed 16 January 2024).

⁹ U.S. Department of State, 'The United States Releases Signed Memorandum of Understanding with the Democratic Republic of Congo and Zambia to Strengthen Electric Vehicle Battery Value Chain' (18 January

from the DRC, Etienne Tshisekedi, to a five-day state visit, after which they jointly announced a new ‘comprehensive strategic cooperative partnership’ between the two countries.¹⁰ In October 2023, the European Union designated the DRC as a ‘strategic partner’ and agreed to work closely on developing ‘critical and strategic raw materials value chains’.¹¹

This is not the first time that the DRC has been a crucial global source of strategic raw materials. While the country was ruled as a personal colony of the Belgian King, Leopold II, in the late 1800s, it supplied rubber for the tyres of bicycles and the world’s first cars.¹² During the two world wars, it provided copper and other metals to the Allies’ armaments factories. This included uranium, dug from the Shinkolobwe mine, and ultimately used in the atomic bombs that were dropped by the USA on Japan in 1945.¹³ More recently, the DRC’s mines have supplied most of the world’s tantalum, a rare metal that is a crucial element in the processors of smartphones and laptops.¹⁴

Some are using this moment to draw attention once again to the DRC’s artisanal mining sector and highlight how the increased demand for cobalt is, in their view, driving human suffering. Most notable is the recent book by Professor Siddharth Kara, whose account of his visits to artisanal mines is entitled *Cobalt Red: How the Blood of Congo Powers our Lives*.¹⁵ The book describes a ‘human rights and environmental catastrophe in the Congo’, exposing ‘brutal mining practices’. It has been widely – and uncritically – reviewed by the western media, inspiring headlines like, ‘How “Modern-Day Slavery” in the Congo Powers the Rechargeable Battery Economy’,¹⁶ ‘For Your Phone and EV, a Cobalt Supply Chain to a Hell on Earth’,¹⁷ and “‘Here it is Better Not to be Born’: Cobalt Mining for Big Tech is Driving Child Labor, Deaths in the Congo’.¹⁸ A Washington Post and Bloomberg article refers to ‘blood batteries’,¹⁹ while a documentary by the Australian Broadcasting Corporation is simply called *Blood Cobalt*.²⁰

2023), www.state.gov/the-united-states-releases-signed-memorandum-of-understanding-with-the-democratic-republic-of-congo-and-zambia-to-strengthen-electric-vehicle-battery-value-chain/ (accessed 16 January 2024).

¹⁰ Cao Desheng, ‘China, DRC Upgrade Relationship’, *China Daily* (27 May 2023), www.chinadaily.com.cn/a/202305/27/WS6470dacf310b6054fad5552.html (accessed 16 January 2024).

¹¹ European Commission, ‘Global Gateway: EU Signs Strategic Partnerships on Critical Raw Materials Value Chains with DRC and Zambia and Advances Cooperation with US and other Key Partners to Develop the “Lobito Corridor”’ (26 October 2023), https://ec.europa.eu/commission/presscorner/detail/en/IP_23_5303 (accessed 16 January 2024).

¹² Georges Nzongola-Ntalaja, *The Congo: From Leopold to Kabila* (London: Zed Books, 2003) 21.

¹³ *Ibid.*, 28.

¹⁴ Paul Marks, ‘Blood Minerals are Electronics Industry’s Dirty Secret’, *New Scientist* (11 June 2014), www.newscientist.com/article/mg22229734-800-blood-minerals-are-electronics-industrys-dirty-secret/ (accessed 16 January 2024).

¹⁵ Siddharth Kara, *Cobalt Red: How the Blood of the Congo Powers Our Lives* (St Martin’s Press, 2023).

¹⁶ NPR, ‘How “Modern-Day Slavery” in the Congo Powers the Rechargeable Battery Economy’ (1 February 2023), www.npr.org/sections/goatsandsoda/2023/02/01/1152893248/red-cobalt-congo-drc-mining-siddharth-kara (accessed 16 January 2024).

¹⁷ Jocelyn C Zuckerman, ‘For Your Phone and EV, a Cobalt Supply Chain to a Hell on Earth’, *Yale Environment 360* (30 March 2023), <https://e360.yale.edu/features/siddharth-kara-cobalt-mining-labor-congo> (accessed 16 January 2024).

¹⁸ Louise Boyle, “‘Here it is Better Not to be Born’: Cobalt Mining for Big Tech is Driving Child Labor, Deaths in the Congo”, *The Independent* (23 February 2023), www.independent.co.uk/climate-change/news/phone-electric-vehicle-congo-cobalt-mine-b2277665.html (accessed 16 January 2024).

¹⁹ Anjani Trivedi, “‘Blood Batteries” Drive America’s Frantic EV Ambitions’, *Bloomberg* (24 January 2023), www.bloomberg.com/opinion/articles/2023-01-24/-blood-batteries-drive-us-ambitions-to-build-its-ev-supply-chain (accessed 16 January 2024).

²⁰ ABC News, ‘Blood Cobalt: the Congo’s Dangerous and Deadly Green Energy Mines’, *YouTube*, www.youtube.com/watch?v=_V3b1zNX4co (accessed 16 January 2024).

On one level, a focus on the human rights impacts of artisanal mining in the DRC is welcome. This type of mining can be dangerous, and children's involvement in the sector runs contrary to the DRC's human rights commitments. The sector undoubtedly involves abuses and human suffering that need alleviating, and those responsible must be held to account.

By talking up the problem of 'blood cobalt', Siddharth Kara and other scholars and journalists are intentionally alluding to the language of historical campaigns that linked illegal natural resource extraction to atrocities. In the 2000s, campaigners drew attention to the 'conflict minerals' that armed groups in eastern DRC fought to control.²¹ In the 1990s, so-called 'blood diamonds' fuelled conflicts in Liberia and Sierra Leone.²² Further back, in 1906 Edmund Dene Morel published a famous account of colonial-era abuses entitled *Red Rubber: The Story of the Rubber Slave Trade on the Congo*.

However, this new wave of reporting on human rights concerns in the DRC is problematic for a number of reasons. Firstly, how accurate is it? Contemporary cobalt mining is certainly dangerous and exploitative, but it would be hard to show that it is fuelling abuses on anything like the same scale as these previous cases – which were linked to horrific civil conflict, or (in the case of rubber) mass enslavement and death.²³ Although conflict continues in pockets in the DRC, these are near the Rwanda border, at least 1,500 km from Kolwezi and the (peaceful) cobalt mining region that surrounds it.

Furthermore, as Sarah Katz-Lavigne and Espérant Mwishamali Lukobo have pointed out in their critique of 'Cobalt Red', the 'blood cobalt' narrative puts forward an oversimplified and dehumanizing account, in which Congo's artisanal miners are the helpless victims of 'malevolent' powers: 'His [Kara's] overwrought attempts to evoke an emotional response resemble writing on Africa from decades ago. Like Joseph Conrad did with *Heart of Darkness*, he reinforces colonial dynamics even as he purports to call attention to them', they wrote.²⁴

Such an approach could have consequences, they argue. For example, it could 'reinforce disempowered images of artisanal miners; make it more difficult for researchers to access cobalt-mining areas; and prompt increased security to prevent information from flowing from the cobalt mines'.

A further concern is that such an exploitative and inaccurate 'blood cobalt' narrative could cause additional harm by scaring companies away from buying any cobalt that might come from an artisanal mine, thus harming the prospects of the miners, as well as the overall Congolese economy. In many cases, those giving oxygen to this narrative are manifestly not interested in the miners' wellbeing, but only in pursuing their own self-interest.

For example, the fossil fuel industry and its lobbyists have highlighted child labour in artisanal cobalt mines to attack the image of electric vehicles, and try to undermine the energy transition.²⁵ Meanwhile, several industrial mining companies operating in the DRC have presented themselves as the source of 'clean and green' metals, in contrast to the

²¹ Enough Project, *Demand the Supply* (2017), <https://enoughproject.org/demandthesupply> (accessed 22 January 2024).

²² Global Witness, *Conflict Diamonds*, <https://www.globalwitness.org/en/campaigns/conflict-diamonds/> (accessed 22 January 2024).

²³ Adam Hochschild, *King Leopold's Ghost: A Story of Greed, Terror, and Heroism in Colonial Africa* (1998), Houghton Mifflin.

²⁴ Sarah Katz-Lavigne and Espérant Mwishamali Lukobo, 'Cobalt Red: A Regressive, Deeply Flawed Account of Congo's Mining Industry', *Open Democracy* (3 July 2023), <https://www.opendemocracy.net/en/beyond-trafficking-and-slavery/cobalt-red-siddharth-kara-democratic-republic-congo-book-review/> (accessed 16 January 2024).

²⁵ Life:Powered, 'Everything that Requires a Cobalt Battery Requires Something Even Dirtier: Child Labor' (13 January 2023), <https://lifepowered.org/everything-that-requires-a-cobalt-battery-requires-something-even-dirtier-child-labor/> (accessed 16 January 2024); for background, see: *New York Times*, 'The Texas Group Waging

Chinese metals companies that trade in artisanal-mined cobalt. This is despite their own well-documented records of corruption, environmental harm and human rights abuses.²⁶ Similar claims are being made by the proponents of the environmentally degrading rush to mine the ocean bed, which present themselves as an ethical alternative to land-based mining.²⁷

The reality is that for many people in the DRC, artisanal mining, not just for cobalt but other minerals too, provides one of the best opportunities to earn a living, in spite of the risks. Across the country, hundreds of thousands, if not millions, of people are engaged in this work and there is a ready market for the copper, cobalt, diamonds, gold and other minerals that they dig.²⁸ In their study of artisanal mining in the Kivu provinces, Daniel Rothenberg and Ben Radley wrote that in many communities in the region, this type of mining ‘makes important contributions to socio-economic development by providing employment and injecting money directly into the local economy’.²⁹ They argue that ‘artisanal mining is widely viewed as one of the most important forms of employment in the DRC’.

What is needed therefore is urgent action, from the government and others, based on the priorities of the miners and their families, to protect human rights, and improve their working conditions, not condemnation or further neglect.

Unfortunately, authors of the ‘blood cobalt’ narrative do not provide any credible solutions. For example, Siddharth Kara proposes that the tech and electric vehicle brands that use batteries containing cobalt should treat Congolese artisanal miners exactly as they do their direct employees. As a rhetorical point about the double standards of corporations, this has some power. Of course, people need to be treated equally, regardless of where they live or work; but as a suggestion for how companies should actually intervene to improve artisanal mining conditions in the DRC, this proposal is so unworkable as to be effectively meaningless. Siddharth Kara’s depiction of the sector is much more likely to scare businesses away from the DRC entirely, leading to a counterproductive cut-and-run approach, that will do nothing to improve conditions in the mines, but damage the country’s economy.

III. A Roadmap Not Followed

A roadmap for improving human rights in the sector does, thankfully, already exist. It has been articulated for many years by members of civil society in the DRC, as well as artisanal miners themselves. They are calling for access to viable mine sites, equipment to make their jobs safer and a fair price for the precious ore that they dig.³⁰

a National Crusade against Climate Action’ (4 December 2022), www.nytimes.com/2022/12/04/climate/texas-public-policy-foundation-climate-change.html (accessed 16 January 2024).

²⁶ For example, in September 2023, Amnesty International and the Kolwezi-based Institute for Good Governance and Human Rights documented how the expansion of industrial cobalt and copper mines resulted in forced evictions and other human rights abuses. Amnesty International, ‘Powering Change or Business as Usual?’ (12 September 2023), www.amnesty.org/en/latest/news/2023/09/drc-cobalt-and-copper-mining-for-batteries-leading-to-human-rights-abuses/ (accessed 16 January 2024).

²⁷ The Metals Company, ‘Products’, <https://metals.co/products/> (accessed 16 January 2024).

²⁸ Thomas R. Yager, ‘The Mineral Industry of Congo (Kinshasa)’, <https://pubs.usgs.gov/myb/vol3/2019/myb3-2019-congo-kinshasa.pdf> (accessed 16 January 2024).

²⁹ D Rothenberg and B Radley (2014), ‘We Miners Take Our Lives in Our Hands Save Nothing and Believe Only in Luck’, *The Lived Experience of Human Rights and Labor Violations in Select Artisanal Mining Sites in North and South Kivu* (Tempe: Arizona State University).

³⁰ Emmanuel Umpula, Abbi Buxton and Brendan Schwartz, *Islands of Responsibility? Corporate Sourcing of Artisanal Cobalt in the Democratic Republic of Congo* (London: IIED, 2021), <https://www.iied.org/20436iied> (accessed 16 January 2024).

Currently, none of these demands is guaranteed, even though they are all in line with the DRC's own mining code.³¹ Despite the existence of these rules, almost all artisanal mining in the country remains unsupervised. Miners dig deep tunnels that run for tens of metres underground. These tunnels are prone to collapse, and the miners lack basic safety equipment. While government officials might not be enforcing their own rules, they are nevertheless present at the artisanal mining sites – forcing miners to pay bribes to access the illegal sites, which mostly sit on privately owned mining concessions. Powerful individuals, often with political connections, control many of the miners' cooperatives that organize the diggers and manage their business relationships. Meanwhile, on the surface, children work to collect or clean stones or sell food to the adult miners, contrary to the DRC's commitments to children's rights and international labour law.³²

These conditions are widespread even though the Mining Code provides for the creation of 'artisanal exploitation zones' which are subject to proper regulation and supervision, sets limits on tunnel depth and provides other health and safety rules. The government bans children from working in mining areas and is officially implementing a strategic plan to address child labour. However, children continue to work in the mines, and there are currently only three officially recognized, 'artisanal exploitation zones' in operation (out of the numerous mine sites being worked).

Other initiatives have fared similarly poorly. In 2019, the government created a company, the *Entreprise Générale du Cobalt* (EGC), to hold a monopoly on the purchase and sale of all artisanal cobalt in order to improve working conditions and traceability. It also built a new trading centre at Musompo, on the outskirts of Kolwezi, and promised to ensure that the miners were not cheated when they went to weigh and measure the quality of their ore there. However, these initiatives have barely got off the ground. The EGC has remained largely inactive and the Musompo trading centre was only recently opened.³³

IV. Conclusion

The DRC's artisanal cobalt mines receive more western media coverage than any other aspect of the country's huge mining sector, despite producing a relatively small proportion of the mineral. Much of this coverage includes overblown descriptions and emotive references to 'blood cobalt'. Such language obscures the root causes of the issue, diverts attention from harms caused by the industrial mining sector and does nothing to support the interests of the miners and their families.

A roadmap for change does exist through the formalization of the sector, improved regulation and measures to ensure artisanal miners receive a fair price. At the same time, the government must implement a holistic approach to ending child labour and address the root causes of the problem, notably poverty. These are the concrete issues that need to be addressed, not only by the DRC government, but also by its foreign partners, including the USA, EU and China, as well as the battery, electric vehicle and tech brands that have benefited for years from the DRC's ready supply of cobalt.

³¹ Amnesty International and Afreewatch, *note 4*.

³² Amnesty International and Afreewatch, *'This is What We Die For': Human Rights Abuses in the Democratic Republic of the Congo Power the Global Trade in Cobalt* (London: Amnesty International and Afreewatch, 2016), www.amnesty.org/en/documents/afr62/3183/2016/en/ (accessed 16 January 2024).

³³ ZoomEco, 'RDC: Félix Tshisekedi Inaugure le Centre de Négoce de Musompo à Kolwezi' (5 October 2023), <https://zoom-eco.net/a-la-une/rdc-felix-tshisekedi-inaugure-le-centre-de-negoce-de-musompo-a-kolwezi/> (accessed 16 January 2024).

The world now needs the DRC's cobalt to wean itself off fossil fuels. As they compete for access to this precious natural resource, governments and businesses must ensure that human rights are not ignored and are at the heart of the energy transition. In the context of the DRC, this means they should actively support efforts to improve conditions for artisanal miners, rather than disengaging from the Congolese mining sector altogether.

Competing interest. The authors co-wrote the report "This is What We Die For."