



# AFPC fellow in Indo-Pacific studies Michael Sobolik quoted in The Washington Post about enforcement of the Uyghur Forced Labor Prevention Act

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**Related Expert:** Michael Sobolik

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**Opinion:** Biden is under pressure to go soft on China's genocide

Author: Josh Rogin

The Biden administration faces a crucial test of its willingness to confront the genocide in China. This week, a new U.S. law meant to cripple China's ability to profit from the forced labor of Uyghurs and other persecuted minorities went into effect. The question is whether President Biden will fully implement it — or squander America's best and perhaps last chance to end our complicity in these atrocities.

Congress passed and Biden signed the Uyghur Forced Labor Prevention Act last December. It bans imports of any products connected to forced-labor practices in China's northwest Xinjiang region, part of what the Biden administration has determined to be an ongoing genocide. Several officials, congressional staffers and experts have told me that some administration figures and business interests are fighting against strict implementation of the law. Those opposed are the same interests that fought long and hard to thwart its passage, as detailed in a new seven-part investigation released by the Dispatch. They are not about to stop now.

"The implementation will be contested, just as everything Xinjiang-related was contested last year," said Michael Sobolik, a fellow at the American Foreign Policy Council. "The mechanics are different, but the battle remains the same: climate interests pitted against human rights concerns."

Some Biden officials, including State Department climate envoy John F. Kerry, have argued internally since last year that human rights concerns should not stand in the way of working with China on climate change. (Asked about this trade-off last year, Kerry said that "life is always full of tough choices.") Beijing itself promotes this linkage, demanding the United States back off human rights criticism before it will cooperate on climate change.

What's different this year is that Biden faces an economic crisis that threatens Democratic control of Congress and his own reelection. This seems to be causing the White House to ease off its promise to combat Uyghur forced labor to the full extent of its ability. This month, the White House issued an emergency declaration that granted a 24-month tariffs waiver for solar panels containing components from Xinjiang, even though that action undermined an ongoing Commerce Department investigation.

The new law requires that Customs and Border Protection (CBP) detain any shipment that comes from Xinjiang or has components connected to Xinjiang, which are now presumed to be tainted with forced labor unless the importers can prove otherwise. Some U.S. corporations are already complaining that the requirement is too onerous, because proving that the products are unconnected to abuses is near impossible.

China doesn't allow independent auditing of Xinjiang factories and denies all accusations of abusing Uyghurs. This is contradicted by mountains of evidence showing that the Chinese government has systematically imprisoned millions of Uyghurs and other minorities, compelled tens of thousands of them into forced labor, separated families, quashed their religious and cultural freedom, and used forced sterilization, all in service of their genocidal aims.

To be sure, if the law were enforced as written, there would be short-term disruptions to several industries, involving everything from cotton to electric vehicles. But that's the whole point. Unless businesses are compelled to scrub their supply chains of products made with forced labor, they won't act. That's why Congress stepped in.

These corporations can't say they didn't have fair warning. Since the law was passed, CBP and the Department of Homeland Security's task force on forced labor have engaged with industry extensively on the new rules. Homeland Security released a list of Chinese companies that use forced labor in Xinjiang or transport forced workers to other parts of China. Many of these Chinese entities were already banned in previous government actions.

"Without full and effective implementation, businesses will continue to profit from slave labor, and American consumers will continue to be complicit in the genocide," said Uyghur American Nury Turkel, chair of the U.S. Commission on International Religious Freedom. "We cannot carry on with business as usual, empowering the Chinese Communist Party to commit human rights abuses with impunity."

Human rights considerations aside, China's rampant use of cheap forced labor hinders the competitiveness of U.S. solar firms, who must pay workers market rates. Moreover, U.S. dependence on these Chinese supply chains is an increasingly obvious national security vulnerability.

Importing solar panels from China is of minimal value to solving climate change anyway, given that China's solar industry factories run largely on dirty coal. It's also naive to think that if the United States tones down its criticism on human rights that Beijing will cooperate on climate change in any meaningful way.

Secretary of State Antony Blinken promised this week to implement the new law and rally "allies and partners" to the cause. Congress will be watching closely to hold the administration to that commitment. If the White House provides enough wiggle room for China's forced-labor industry to continue with business as usual, the entire effort will be rendered useless — and the prospects for the Uyghurs and other victims will further darken.