COLUMBIA UNIVERSITY
IN THE CITY OF NEW YORK

LAW SCHOOL

September 7, 2011

Elizabeth M. Murphy
Secretary
Securities and Exchange Commission
100 F Street, N.E. Washington, D.C. 20549-1090

Re: Conflict Minerals, File No. S7-40-10

Dear Secretary Murphy:

I respectfully submit this letter and the attached comment (published as a 'Letter to the Editor' in the NYT August 15, 2011) regarding the proposed regulations to implement Section 1502 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (the "Dodd-Frank Act" or the "Conflict Minerals Provision" or "Section 1502"), which mandates certain disclosures concerning conflict minerals that originate in the Democratic Republic of the Congo ("DRC") or an adjoining.

I am a Professor at Columbia Law School, and the faculty director of the Human Rights Institute, here. For more than 20 years I have been working on issues of human rights and development in the DRC, first Human Rights Watch and other major international NGOs and, subsequently, with a variety of organizations including the UN, USAID and The Carter Center. Since 1998, I have increasingly focused my attention on the relationship among natural resource extraction, human rights and development. Since the 2006 elections in the DRC, I have been collaborating closely with The Carter Center on a project concerning industrial mining there.

I write in response to those who criticize Section 1502 for its short term impact on Congolese livelihoods and, in particular, claims by David Aronson, writing in the New York Times on August 8, 2011. Mr. Aronson suggests Section 1502 is to blame for loss of livelihood and opportunities in the DRC; he blames Congress for 'devastating' the region. His evidence is impressionistic, drawn selectively from local actors. In my work, I have heard similar claims over the course of more than 20 years. Mr. Aronson's comments do not provide a basis on which to reach judgments, even regarding the short term impacts that he claims to address.

Moreover, the value of Section 1502 is its contribution to long term impacts. No single measure can reverse 15 years of war and turn natural resources into the engine of development. Without the transparency, supply chain due diligence and incentives for corporate responsibility required by Section 1502, however, those outcomes are significantly less likely.

Finally, many are arguing for delayed implementation of the regulations. In my view, such a delay would be inconsistent with the goals of the legislation and would arguably enhance incentives to game the system and avoid ultimate compliance.

Sincerely,

Peter Rosenblum
Lieff Cabraser Clinical Professor of Human Rights and Faculty Co-Director,
Human Rights Institute

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"A Conflict Over 'Conflict Minerals'"

NYT's Print Edition August 16, 2011; A20

To the Editor:

The long-term development of Congo depends on channeling potentially vast mining revenues into long-term development. At this moment, the mineral wealth of the eastern Congo feeds conflict and corruption, with a few crumbs falling to the local population; almost nothing goes to government coffers.

The "conflict mineral" provisions of the Dodd-Frank financial reform law, which put the burden on companies to know and disclose the source of their supply, are a small but vital step in shifting the incentives away from the warlords. They won't solve the problem, but their part in "devastating" an already devastated land is overstated.

David Aronson's impressionistic account of harms and vague reference to the specter of China's seizing of business don't justify giving initiative back to the warlords.

PETER ROSENBLUM
New York, Aug. 8, 2011

The writer, a professor at Columbia Law School, is a consultant to the Carter Center on a project regarding industrial mining in Congo.

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