



August 6, 2011

By E-mail

Chairman Mary L. Schapiro
Commissioner Luis Aguilar
Commissioner Elisse Walter
Commissioner Troy Paredes
Commissioner Daniel Gallagher

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

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

Dear Commissioners:

Please find attached an August 1 press release by Business & Human Rights Resource Centre which was widely disseminated. The press release refers to the responses and non-responses from 15 electronics companies, the National Association of Manufacturers and the U.S. Chamber of Commerce, and links to responses we received and to allegations that these two industry associations undermine conflict minerals legislation. The allegations were raised by a group of seven NGOs; the responses were obtained by Business & Human Rights Resource Centre.

As you will see from the links in the press release, many companies have publicly supported proposed regulations to implement Section 1502, the Conflict Minerals Provision of the Dodd-Frank Act, while business associations that most of the companies have ties with have actively lobbied against measures to implement the provision. In the press release we mention four companies that explicitly distanced themselves from the position of the business associations.

Briefly, the [Business & Human Rights Resource Centre](http://www.business-humanrights.org) is an independent non-profit organization that encourages companies to respect human rights, by promoting transparency and accountability. Our website links to reports on the human rights impacts (positive & negative) of over 5000 companies worldwide, and provides guidance tools to assist companies, NGOs and others working in this field. When human rights concerns are raised by civil society, we invite companies to respond, and post each company response alongside the concerns. We act as an impartial information source; we do not take positions on disputes or debates. We believe that we provide a useful service by giving visibility to all points of views on many complex business & human rights issues, as we did in this case regarding Section 1502. We are therefore transmitting this to you to help inform your decisions.

Sincerely yours,

Mauricio Lazala
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PRESS RELEASE
(for immediate release)**Electronics companies' responses to allegations that
their industry associations undermine conflict minerals legislation**

London, 1 August 2012 – Today Business & Human Rights Resource Centre is releasing its full [compilation of responses](#) to concerns raised by Global Witness about the discrepancy between companies proclaiming their support of U.S. conflict minerals legislation while their business associations were lobbying against the legislation.

In May, a [Global Witness paper](#) raised concerns about industry efforts to undermine implementation of the U.S. Dodd-Frank Act's section 1502, on "conflict minerals". Dodd-Frank 1502 will require companies registered with the U.S. Securities and Exchange Commission (SEC) to carry out supply chain due diligence on any minerals sourced from Democratic Republic of Congo or adjoining countries. Global Witness drew attention to the ties of 11 electronics companies with business associations lobbying against measures to implement the Dodd-Frank Act provisions on conflict minerals in supply chains. Global Witness added: "To avoid any perceptions of hypocrisy, Global Witness believes it is very important that [these companies] distance themselves from the Chamber of Commerce and the National Association of Manufacturers. They should do this by making public statements against the positions taken by these associations on Dodd Frank 1502 or by cutting their ties with them altogether."

Business & Human Rights Resource Centre sought responses to the concerns raised in the Global Witness paper from the 11 companies and two business associations named by Global Witness. Seven companies and one business organization responded to the Resource Centre (see the list below).

"Conflict minerals" are certain minerals commonly mined in strife-torn areas of Central Africa thought to fund armed groups that commit human rights abuses.

Following the companies' responses and non-responses, [Enough Project](#), [Global Witness](#), and other NGOs praised General Electric, Microsoft and Motorola Solutions for "breaking" with the U.S. Chamber of Commerce on conflict minerals, and called on other companies to follow suit.

In June, the Resource Centre sought further responses from the same companies plus four others to a 27 June [joint press release](#) by Global Witness and other organizations calling on electronic companies to "break" from the U.S. Chamber of Commerce over its position on conflict minerals (issued by Conflict Free Campus Initiative, Congo Action Now, Earthworks, Enough Project, Global Witness, Jewish World Watch & STAND).

Six companies responded and one shared its relevant public statements (see the list below). Panasonic directly addressed the discrepancy between its position on conflict minerals and that of the U.S. Chamber of Commerce.

Mauricio Lazala, Deputy Director of Business & Human Rights Resource Centre, said: "*We welcome the action that some companies are taking to address the issue of conflict minerals in supply chains. But we are disappointed to see some business associations repeatedly adopting a regressive approach to human rights issues – contrary to the stated position of some of their member companies. Unfortunately it is the associations' positions that bear most weight in influencing policy.*"

The SEC [announced](#) that it will vote on rules to implement conflict minerals provisions on 22 August 2012.

[Following are the responses and non-responses](#) by business associations and some of their member companies to the May Global Witness paper and to the June joint press release by the NGOs:

- **National Association of Manufacturers** [response to Global Witness paper](#)
- **U.S. Chamber of Commerce** – declined to respond to Global Witness paper
- **Acer** [response to June joint press release](#)
- **AT&T** [response to Global Witness paper](#); did not respond to June joint press release
- **Canon** did not respond to June joint press release
- **Dell** [response to Global Witness paper](#) and [response to June joint press release](#)
- **Ford** declined to respond both times
- **General Electric** [response to Global Witness paper](#)
- **HP** [response to Global Witness paper](#); declined to respond to June joint press release
- **IBM** declined to respond to Global Witness paper; its response to June joint press release was to share this link: [Political Expenditures and Public Policy Matters](#) (see Trade and Industry Associations)
- **Intel** declined to respond to Global Witness paper but pointed to their [public position on this issue](#) and to a [blog by The Enough Project; response to June joint press release](#)
- **Microsoft** [response to Global Witness paper](#)
- **Motorola Mobility** [response to Global Witness paper](#); declined to respond to June joint press release
- **Panasonic** [response to June joint press release](#)
- **RIM** [response to June joint press release](#)
- **Verizon** [response to Global Witness paper](#); did not respond to June joint press release
- **Xerox** declined to respond to Global Witness paper; [response to June joint press release](#)

“Our organization increasingly receives reports about actions by business associations that are seen to be at odds with the protection of internationally-recognised human rights – as in this case”, said Christopher Avery, Director of Business & Human Rights Resource Centre. *“We will continue drawing global attention to such cases, will seek responses from the business associations and member companies about their respective positions, and will draw these cases to the attention of the United Nations Working Group on business and human rights.”*

The following provision of the UN Guiding Principles on Business and Human Rights makes clear that companies cannot escape responsibility for the actions of business associations they belong to: “[All companies] should identify and assess any actual or potential adverse human rights impacts with which they may be involved either through their own activities or as a result of their business relationships.”

This is not the first time that the Resource Centre has sought responses from companies regarding lobbying by the business associations they belong to. For example, in 2007, [we invited several multinationals headquartered in the U.S. and Europe to respond](#) to reports alleging that their business associations were lobbying against China’s proposed labour law reform that would provide increased protection for the rights for Chinese workers.

If any organization, company or individual wishes to comment on the issues raised in this press release, or on the business association and company responses, the Resource Centre will also post those statements. If those comments criticise the response of a particular business association or company, the Resource Centre will invite that party to respond to the criticism.

About the Resource Centre

[Business & Human Rights Resource Centre](#) is an independent non-profit organization that encourages companies to respect human rights, by promoting transparency and accountability. Our website links to

reports on the human rights impacts (positive & negative) of over 5000 companies worldwide, and provides guidance tools to assist companies, NGOs and others working in this field.

When human rights concerns are raised by civil society, we invite companies to respond, and post each company response alongside the concerns. The usual response rate to the Resource Centre is 75% globally. Since 2005 the Centre has invited over 1000 company responses, to a range of human rights concerns. A [record of all past responses and non-responses is here](#). Victims and NGOs thank us for bringing global attention to their concerns and for eliciting responses from companies. Companies thank us for including their perspective and for providing the opportunity to present their responses in full. This process often leads to real improvements on the ground.

Mary Robinson, former UN High Commissioner for Human Rights and President of Ireland, is Chair of the Centre's International Advisory Network. Our Academic Partners comprise 23 leading academic institutions. The Centre's researchers are based in Colombia, Hong Kong, India, Jordan, Kenya, Lebanon, Senegal, South Africa, UK, Ukraine and USA.

For further details, see the ["About us"](#) section of our website.

For further information relating to this press release, please contact:

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