



TO: Michael Piwowar, Acting Chairman, Securities & Exchange Commission

FROM: IUCN Species Survival Commission, Primate Specialist Group, Section on Great Apes

RE: Comments on the SEC's Conflict Minerals Rule

DATE: March 15, 2017

Dear Commissioner Piwowar

We are writing to express support for the continued implementation of the Conflict Minerals Rule.

Since implementation of the Conflict Mineral Rule began in 2013, it has gradually led to improvements in the rule of law in the mining sector in the Great Lake countries, including the Democratic Republic of Congo (DRC). Eastern DRC includes the entire remaining population of the Grauer's gorilla (*Gorilla beringei graueri*) and, with its neighbours Rwanda and Uganda, protects the remaining habitat for the Mountain gorilla (*Gorilla beringei beringei*).

The Grauer's gorilla is under great threat. Its population has reduced so drastically during the decades of conflict in eastern DRC - a decline of nearly 80% during this period - that it was listed last year as Critically Endangered on the IUCN Red List of Threatened Species (www.iucnredlist.org). We estimate that only 3,800 Grauer's gorillas remain, and hunting is regarded to be the most serious and immediate threat to this species across its range. Illegal hunting for food is also the major threat that has led to the decline of Eastern gorillas, and this primarily stems from the destabilising impact of armed groups and the presence of artisanal miners in the area, both within and around protected areas. Mining also leads to deforestation and habitat degradation, another of the major threats to gorillas and other wildlife in the region.

IUCN-affiliated scientists and conservation practitioners are working continually in this region to help local communities protect the forest on which they rely for subsistence. We have been first-hand witnesses to the devastating impacts of unregulated mining on people and the environment, and the improvements in the region as a result of conflict mineral regulations. If the Conflict Minerals Rule is suspended or weakened, it would incentivize armed groups in eastern DR Congo to return to hundreds of tin, tantalum, and tungsten mines, causing an increased humanitarian crisis. As the area of concern is also the prime habitat of the Grauer's gorilla, the resurgence in mining and mining-fuelled violence in the area will inevitably increase pressure on gorillas and other wildlife through poaching and habitat destruction. Instability in the region also further risks the ability for U.S. businesses to operate.

We feel it is important for consumers to be able to make informed choices by accessing key information about companies they are considering for purchases, including information about their conflict minerals sourcing practices. The Conflict Minerals Rule has made access to this information much easier, allowing consumers to choose companies whose products are not linked

to the decades-long conflict in the region and the continued destruction of forest habitat which is a detriment to the survival of great apes, other species, and human communities who depend on natural resources.

The Conflict Minerals Rule does not prevent US companies from using minerals, but rather enforces due diligence of the supply-chain traceability from raw materials to consumers, with the goal that companies fully understand their supply chains and can report whether or not they are utilising the listed minerals (columbite-tantalite, cassiterite, gold and wolframite) from DRC conflict areas.

We see the following as evidence of the success of the Conflict Minerals Rule in this region:

- There are now more than 200 mines and smelters in the Congo region that have been certified as “conflict-free.”
- Compliance costs have been a fraction of original estimates.
- Congo region exports of affected minerals have increased, indicating presence of a market for certified minerals.
- Major international companies such as Apple, Intel, Tiffany & Co. and Richline, Inc. have committed to keeping their supply chains conflict mineral free.

Importantly, early evidence shows how the Conflict Minerals Rule can contribute to increased revenues for the local artisanal miners. According to USAID, in some cases miners earn a double price for certified conflict-free minerals compared to illegal mining¹. Similarly, new pilot projects have been initiated to increase business opportunities, alternative livelihoods and financing for small-scale miners². This encouraging progress can potentially reduce the miners’ need to strive for additional income through bush meat hunting and other unsustainable means, thus reducing the pressure on the irreplaceable wildlife and protected areas in the region.

As a network of 140 great ape conservation practitioners and scientists who see this region as critical to the survival of the Grauer’s gorilla, we oppose any suspension, weakening, or repeal of the Conflict Minerals Rule. We urge you to keep the Conflict Minerals Rule fully intact, and to work with your fellow SEC commissioners to enforce the Rule moving forward.

Yours sincerely,



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¹ <http://www.gao.gov/assets/680/673681.pdf>

² http://www.enoughproject.org/files/DRC_PointofOrigin_022016.pdf