Open letter to the Dutch Presidency of the Council of the European Union and the Member States of the European Union

Minerals are key components in many everyday products, from mobile phones, laptops, and jewellery, to cars and light bulbs. In too many cases, however, the extraction and trade of these resources is linked to conflicts and human rights abuses. Civil society organisations have been documenting the links between minerals and these abuses for years, from their role in funding violent armed groups to the use of child labour in mines. But these abuses persist, and companies are still buying and using such minerals without assessing and addressing these risks. It is time to change the status quo. It is time for EU governments to take effective legislative action to ensure companies source minerals responsibly, transparently and sustainably.

EU institutions are currently working on a regulation that aims to tackle the sometimes deadly trade in four of these minerals - tin, tantalum, tungsten and gold.

This initiative is long overdue. The EU is the largest trading block in the world and a significant destination for these minerals. The EU is also a major market for many of the products that contain these minerals; it is the second largest importer of mobile phones and laptops in the world. With this come both a responsibility and the power to make a real difference by making sure its companies are sourcing minerals responsibly.

The EU also needs to show it is serious about meeting its stated commitments on promoting responsible business. Under its new trade strategy, the Commission argues that the “responsible management of global supply chains is essential to align trade policy with European values.”

In the minerals sector, the leading international standard for responsible business is the Due Diligence Guidance developed by the Organisation for Economic Co-operation and Development (OECD). This standard has been endorsed by the EU and by doing so it made a commitment to implementing it. Unfortunately, EU Member States have instead been dragging their feet and, as a result, have little to show from years of voluntary initiatives and encouragement.

As civil society organisations we have therefore called for a strong and effective regulation that would require all companies bringing these minerals into the EU - in whatever form - to perform some basic checks and due diligence on their supply chains, as is common in other sectors from food to financial services. Our calls have been echoed by business leaders, investors, religious leaders, and leading civil society activists. Through over 362,000 actions, EU citizens have also made it clear that they expect to be able to purchase products that have been sourced responsibly, transparently and sustainably.

In May 2015 the European Parliament took a strong stance by voting for a binding law that would cover companies importing into the EU minerals in their raw form, as well as in products containing them. But more than a year later, negotiations are still ongoing. Member States, in particular, have pushed back, promoting voluntary measures and self-regulation by business, while seeking to entirely exempt companies that import products containing these minerals from the scope of the law.

The Dutch government, acting as President of the Council of the EU, has worked hard to secure an agreement over the past few months. We recognise and welcome this initiative that has introduced some

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1 European Commission Strategy: “Trade for All: Towards a more responsible trade and investment policy”, October 2015
2 OECD Due Diligence Guidance for Responsible supply chains of minerals from conflict-affected and high-risk areas
much needed momentum into negotiations, but there is still work to be done to find an agreement that will effectively tackle the conflict and human rights risks in the mineral supply chains.

Including companies that import products containing minerals in the regulation will be vital to its effectiveness and impact.

Many of the minerals that risk being linked to human rights abuses and conflict enter the EU inside manufactured products, and it is as a major destination for such products that the EU exerts its most significant commercial leverage over the supply chain. Companies that import these products must be covered by the regulation if the EU is to establish an effective due diligence system which prompts companies throughout the supply chain to identify and mitigate the risk of contributing to conflict and human rights violations through their business activities. The OECD Due Diligence system is specifically designed to include companies along the entire supply chain. This ensures responsibilities are distributed fairly and manageable while building the critical mass and momentum needed to develop joint industry programmes and collaboration that make due diligence easier and more efficient for everyone.

We are calling on the Council to listen not only to the European Parliament, but also to the many activists, investors, civil society, and citizens that have called for a strong and effective EU law. At a minimum, this means a regulation that covers companies that import into the EU minerals in their raw form as well as companies that import products containing these minerals.

We also urge the Dutch government to make full use of its remaining time as President of the Council of the EU and continue to facilitate a constructive dialogue between the co-legislators. There is still time to deliver the regulation that the EU, and the communities that provide the resources upon which we are increasingly dependent, both deserve and need.

Yours sincerely,

1 Amnesty International
2 Global Witness
3 ACCIÓN LIBERADORA, Fundación / member of REDES-ONGD
4 ACCION MARIANISTA PARA EL DESARROLLO, FUNDACION / member of REDES-ONGD
5 Acción verapaz / member of REDES-ONGD
6 ACRESCEERE, FUNDACIÓN / member of REDES-ONGD
7 Action Aid
8 AES-CCC
9 Afro-Asiatisches Institut in Wien
10 Agir Ensemble pour les Droits de l’Homme
11 Alboan
12 AMANI , Laicos Combonianos por el Sur / member of REDES-ONGD
13 AMARANTA, Fundación de Solidaridad / member of REDES-ONGD
14 AMI ONLUS (Associazione Maendeleo-Italia ONLUS)
15 Amigos de la Tierra - Spain
16 AMSALA / member of REDES-ONGD
17 Associazione Comunità Papa Giovanni XXIII
18 Associazione Tumaini - un Ponte di Solidarietà
19 BAJAR A LA CALLE SIN FRONTERAS / member of REDES-ONGD
20 BAJAR A LA CALLE SIN FRONTERAS / member of REDES-ONGD
21 BENITO MENI, FUNDACIÓN / member of REDES-ONGD
Berne Declaration, Switzerland
Broederlijk Delen (Belgium)
Bruder und Schwester in Not – Diözese Innsbruck, Austria
BUEN PASTOR / member of REDES-ONGD
Business & Human Rights Resource Centre
CALASANCIO ONG / member of REDES-ONGD
CCFD-Terre Solidaire
CEEweb for Biodiversity
Celim Milano
Christian Aid
Christliche Initiative Romero
CIDSE
CMSR Centro Mondialità Sviluppo Reciproc
Comissió Justícia i Pau Barcelona
Comitato delle associazioni per la Pace e i Diritti Umani
Comitato trentino NOPPAW
Commission Justice et Paix Belgique francophone
COMPASIÓN, SOCOES / member of REDES-ONGD
Coordinamento Associazioni della Vallagarina per l’Africa
CORAZONISTAS, FUNDACIÓN / member of REDES-ONGD
Cordaid
COVIDE-AMVE / member of REDES-ONGD
CRUZ BLANCA, Fundación / member of REDES-ONGD
CSD - CONGRESIÓN DE SANTO DOMINGO / member of REDES-ONGD
CVM Comunità Volontari per il Mondo
Danish Confederation of Trade Unions
Delwende, ONGD / member of REDES-ONGD
Diakonia
DIGNIDAD Y SOLIDARIDAD / member of REDES-ONGD
DKA Austria
ECOSOL SORD / member of REDES-ONGD
ENTRECULTURAS / member of REDES-ONGD
ESTEBAN G. VIGIL, FUNDACIÓN / member of REDES-ONGD
EurAc
European Coalition for Corporate Justice - ECCJ
FASFI - FUNDACIÓN AYUDA SOLIDARIA / member of REDES-ONGD
Federazione Organismi Cristiani di Servizio Internazionale Volontario - FOCSIV
FIDH
Finance & Trade Watch, Austria
FISC - FUNDACIÓN INTERNACIONAL DE SOLIDARIDAD COMPAÑÍA DE MARÍA / member of REDES-ONGD
FONDAZIONE INTERNAZIONALE BUON PASTORE ONLUS
Friends of the Earth Europe
FRATERNIDAD MISIONERA DEL SAGRADO CORAZÓN / member of REDES-ONGD
FUNDACIÓN AMIGÓ / member of REDES-ONGD
Fundación Mainel
FundEO, FUNDACION ENRIQUE DE OSSÓ / member of REDES-ONGD
FUNESO, FUNDACION EDUCATIVA SOLIDARIA / member of REDES-ONGD
Germanwatch
Gruppo Autonomo Volontari per la Cooperazione e lo Sviluppo del Terzo Mondo
HAREN ALDE / member of REDES-ONGD
Institute of Global Responsibility - Poland
ITAKA, FUNDACION / member of REDES-ONGD
Jesuit European Social Center - JESC
Jesuit Missions
JUAN CIUDAD ONGD para la salud / member of REDES-ONGD
KARIT Solidarios por la paz / member of REDES-ONGD
KOO- Koordinierungsstelle der Österr. Bischofskonferenz f. internationale Entwicklung und Mission
KORIMA CLARETIANAS SUR / member of REDES-ONGD
La Bretxa
LADESOL, LAZOS DE SOLIDARIDAD/FUNDACION / member of REDES-ONGD
LARES, FUNDACION / member of REDES-ONGD
Latin American Mining Monitoring programme - LAMMP
London Mining Network
MADRESELVA, Fundación / member of REDES-ONGD
MARY WARD, FUNDACIÓN / member of REDES-ONGD
MERCEDARIAS MISIONERAS DE BERRIZ – MMB / member of REDES-ONGD
Milieudefensie, Friends of the Earth Netherlands
Misereor
MISIÓN SIN FRONTERAS, Amigos de Comboni / member of REDES-ONGD
OCASHA, Cristianos con el Sur / member of REDES-ONGD
Ökumenisches Netz Zentralafrika
p.h Balanced Films
Panzi Foundation (USA)
PMU
Polish Institute for Human Rights and Business
Power Shift e.V
PROCLADE BETICA, Fundación / member of REDES-ONGD
PROCLADE CANARIAS, Fundación / member of REDES-ONGD
PROCLADE, FUNDACIÓN / member of REDES-ONGD
PROKARDE, / member of REDES-ONGD
PROLIBERTAS, FUNDACIÓN / member of REDES-ONGD
PROYDE, ASOCIACIÓN / member of REDES-ONGD
PROYDE-PROEGA / member of REDES-ONGD
PUEBLOS HERMANOS, PPHH / member of REDES-ONGD
Rete Pace per il Congo
RSJG, SAN JOSÉ DE GERONA / member of REDES-ONGD
SAL, SOLIDARIDAD CON AMÉRICA LATINA / member of REDES-ONGD
Scottish Catholic International Aid Fund
SED, SOLIDARIDAD, EDUCACIÓN, DESARROLLO / member of REDES-ONGD
SELVAS AMAZÓNICAS / member of REDES-ONGD
Sherpa
SIEMPRE ADELANTE, FUNDACIÓN / member of REDES-ONGD
Signos solidarios, Fundación / member of REDES-ONGD
Sioloé, Asociación / member of REDES-ONGD
Solidarietà e Cooperazione
Solidarietà-Muungano Onlus
Solidaritat Castelldefels Kasando
SOMASCA EMILIANI, EMILIANI ongd, FUNDACIÓN / member of REDES-ONGD
SOMO
SPINOLA SOLIDARIA / member of REDES-ONGD
Stop Mad Mining
SÜDWIND
TALLER DE SOLIDARIDAD, FUNDACIÓN / member of REDES-ONGD
TRABAJO Y DIGNIDAD, FUNDACION / member of REDES-ONGD
Urgewald Germany
Welthaus Dioezese Graz-Seckau