

# INTERNATIONAL BUSINESS

## Are Multinationals Good for America?

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USCIB





Peter M. Robinson, President and CEO, USCIB

*As the world debates new regulatory structures, USCIB will be there.*

## Now More Than Ever: Open Markets Matter

The unfolding global financial crisis and worldwide recession have put open markets in jeopardy. According to the World Bank, since their summit in Washington last November, fully 17 of the G20 nations introduced some 47 new trade and related market barriers, despite pledges to avoid doing so.

The results are startling. The World Trade Organization estimates that world trade will plunge by nine percent this year, its sharpest decline since World War II. Lower worldwide demand is certainly contributing to this drop, as is the drying-up of credit, which has hit international trade just like it has every other sector of economic activity. But countries add insult to injury by pursuing such ruinous beggar-thy-neighbor policies.

**Throughout 2009, in light of the ongoing economic crisis, USCIB President and CEO Peter Robinson devotes this space to discussing the increased relevance of USCIB's core values, principles and priorities.**

What can business do to help get us out of this mess? Clearly, we must actively support close international cooperation to lift the major economies out of recession and to lay the groundwork for future prosperity. USCIB and our affiliated business groups have been pushing for this since the onset of the crisis. The results of the most recent G20 meeting in London appear to indicate that our leaders' hearts are in the right place. But we need to hold policy makers to account.

Many countries have proposed new rules, even new international institutions, to deal with the fallout from recent market failures. New regulation is clearly necessary. But we must be alert to the real possibility of regulatory overreach, both at home and in the global arena. In particular, it is important that leading international bodies remain focused on their core competencies, and that the purpose of any new cross-border regulatory machinery be clearly defined.

USCIB's global business network, with its strong links to key governments and international bodies, is playing an instrumental role in providing business with a clear, coordinated voice in major world capitals and intergovernmental forums. Furthermore, we are seeking to bring a global perspective in support of open markets to domestic debates over trade, investment and economic recovery.

Following the G20 Summit in London, attention is expected to turn toward July's G8 Summit in Sardinia. Our chairman **Bill Parrett** took part in April's preparatory G8 Business Summit in Sardinia, where business federation heads from each of the G8 nations were expected to press for a strong and united policy response as well as the rejection of isolationist and discriminatory measures on the part of major governments.

Even in these difficult times, it is critically important for companies to remain engaged and provide necessary leadership in the fast-changing global business environment. Indeed, I would argue that such leadership is needed especially in difficult times, because in public policy, it is often during a crisis that important structural changes are made. What is decided this year may last for decades to come.

As the world debates new financial, economic and regulatory structures, USCIB will continue to serve as your vehicle for providing business solutions, vision and leadership. Because now more than ever, open markets matter.

Contact Peter Robinson at (212) 703-5046 or [probinson@uscib.org](mailto:probinson@uscib.org).

### Follow USCIB on Social Media

Do you tweet? We do. USCIB has an active **Twitter** account featuring links to the latest updates from our website, news from our global business network and comments on major international negotiations we are tracking. Visit [www.twitter.com/USCIB](http://www.twitter.com/USCIB) to follow us. You can also get updates on our **Facebook** page, while our **YouTube** site ([www.YouTube.com/USCIB](http://www.YouTube.com/USCIB)) contains numerous videos from USCIB and links to others featuring leading staff and members.



# Union Card-Check Bill Violates Principles of International Law

**T**he proposed “card-check” bill, which would effectively eliminate secret ballots for employees to form unions, may violate longstanding international legal principles, according to a March letter sent to Congressional leadership by USCIB and the U.S. Chamber of Commerce. The letter spelled out how provisions of the Employee Free Choice Act contradict the principles of international labor law as defined by the International Labor Organization.

“It’s disturbing that labor unions, which for years have pressed for integration of ILO labor standards into U.S. law and trade agreements, would be pushing to introduce a system that violates ILO standards,” said **Adam Greene**, USCIB’s vice president for labor and corporate responsibility.

USCIB is the American employers representative to the ILO, a tripartite United Nations body with representation from governments, businesses and trade unions that sets international labor standards and works to promote improved labor practices worldwide. The International Organization of Employers is the worldwide organization that coordinates business participation in the ILO.

The joint industry letter highlighted two provisions in the card-check bill, which would modify the National Labor Relations Act. They would effectively eliminate the secret ballot in union elections and impose a compulsory arbitration scheme to set the terms of initial collective bargaining agreements. The business groups said these were inconsistent with the ILO’s 1998 Declaration on Fundamental Principles and Rights at Work.

The ILO calls secret ballot elections the preferred means for workers to select a union, since workers face far less risk of reprisal. The UN body also discourages compulsory arbitration schemes, saying they interfere with voluntary collective bargaining and freedom of association.

“Congress needs to think long and hard about whether we really want to place the United States so far outside the agreed international norms on this issue,” said Mr. Greene. “Even prisoners of war, under the Geneva Conventions, are guaranteed the right to a secret ballot when electing their representatives.”

These arguments will be elaborated in more detail in a forthcoming article by attorney **Stefan Jan Marculewicz** in the IOE’s 2009 *International Labor and Social Policy Review*. ■



## Greene Named to Key Advisory Body

**Adam Greene**, USCIB’s vice president of labor affairs and corporate responsibility, has been named by the National Academy of Sciences to serve on the NAS Committee on Approaches to Reduce the Use of Forced or Child Labor, an important element in the Department of Labor’s efforts to prevent imports of goods made with prohibited forms of labor. The new committee will play an integral role in advising the Department of Labor on the framework for identifying those goods made with prohibited forms of labor. The department is charged with developing a public list of all such goods by January 15, 2010. In developing its list of prohibited goods, the Department of Labor will create a standard set of practices to reduce the likelihood that prohibited goods make their way into supply chains. The new committee will advise the department on the framework for identifying and organizing such practices.



# Study: U.S. Multinationals Strengthen the Domestic Economy

**C**ontrary to widespread belief among policy makers and the general public, U.S. multinationals strengthen the domestic economy by enhancing America's productivity, leading to job creation and increased compensation for domestic workers, according to a study written by a leading economist and published by the United States Council Foundation, USCIB's educational arm.

The study, "How U.S. Multinational Companies Strengthen the U.S. Economy," by **Matthew J. Slaughter**, associate dean of the MBA program and professor of international economics at the Tuck School of Business at Dartmouth, was published jointly with the Business Roundtable. It challenges concerns regarding the balance of domestic and international activities among America's global companies.

"The notion that U.S. multinationals have 'abandoned' our country by shipping the majority of their operations overseas is not supported by the facts," said Professor Slaughter. "We live in a society that is truly interconnected on a global scale. Consumers demand access to goods and services from



all over the world. Therefore, the success of these companies increasingly depends on their engagement in the global marketplace. Their leaders must make strategic investment and employment decisions from an international perspective, linking all locations to take advantage of the dynamic world market."

According to Professor Slaughter, U.S. parent companies account for nearly 25 percent of all private-sector output (mea-

sured in terms of GDP), or more than \$2.5 trillion annually.

"U.S. multinational companies are, first and foremost, American companies," noted Professor Slaughter. "These companies strengthen the American economy through a combination of their domestic activity and their international engagement, which together stimulate capital investment, research and development, and trade. These productivity-enhancing activities, in turn, lead to more job opportunities and to larger average paychecks for millions of American workers."

The Dartmouth professor asserts that the central role U.S. multinational companies play in underpinning U.S. economic growth and jobs creation is even more important today as the United States addresses challenges presented by the current economic environment.

"Strong U.S. multinational companies that are able to compete effectively in foreign markets will be better positioned to help lead America out of recession," he said. "By preserving and enhancing the health, vitality and competitiveness of their worldwide **continued on next page**"

## U.S. Multinational Companies...

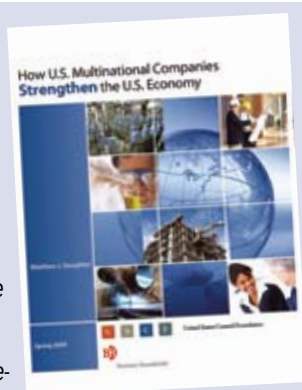
...enhance the American economy through substantial capital investments, R&D expenditures and creation of high-quality jobs.

...highly concentrate their worldwide operations in their U.S. parents, not abroad in foreign affiliates.

...pay their average U.S. worker substantially more than the rest of the private sector.

...maintain overseas operations that tend to complement, not substitute for, key parent activities in the U.S., and concentrate these operations in other high-income countries.

Full text of the study available at [www.uscib.org/docs/foundation\\_multinationals.pdf](http://www.uscib.org/docs/foundation_multinationals.pdf).



## G20 Summit Spurs Intense Business Action

### *continued from previous page*

operations, U.S. multinational companies can help stem job losses in the United States and, eventually, hire more American workers.”

Additionally, the study found that U.S. multinationals maintain a large presence in America, both relative to the overall domestic economy and relative to the size of foreign affiliates. The worldwide operations of U.S. multinational companies are highly concentrated in America, not abroad in their foreign affiliates. Domestic parent companies accounted for nearly 70 percent of worldwide employment of U.S. multinationals, that is, almost 22 million U.S. workers versus 9.5 million at affiliates. This translates into a ratio of nearly 2.3 U.S. employees for every one affiliate employee and represents about 19 percent of total private-sector payroll employment.

Professor Slaughter argues that this global connection has allowed U.S. multinationals to tap into diverse international markets, which have experienced faster growth throughout the past generation than the United States. This foreign-affiliate activity, he believes, helps drive increased domestic employment, worker compensation and capital investments.

“Being globally engaged requires U.S. multinationals to establish operations abroad and expand and integrate these foreign activities with their U.S. parent activities,” he said. “The idea that this international expansion tends to ‘hollow out’ domestic operations is incorrect. Rather, the success of American operations of these companies depends on success abroad and vice versa. Ultimately, it’s the linkage and right balance of domestic and international operations that increases productivity of these corporations and promotes a higher standard of living for all Americans.”

The study found that foreign affiliates are located primarily in high-income countries that in many ways have economic structures similar to the U.S., not in low-income countries. Affiliates in high-income countries accounted for 79 percent of total affiliate output.” ■

**A**t the April 2 G20 Summit in London, **President Obama** and other leaders of the world’s leading economies pledged over \$1 trillion in loans and guarantees to countries hard hit by the global downturn. They further promised (again) to avoid imposing new protectionist measures, shore up a batter system of trade finance and restart the Doha Round.

USCIB and its global business network, in particular the International Chamber of Commerce, were especially active before, during and after the summit, both in terms of direct contact with governments and in outreach to the media worldwide. In March, ICC Chairman **Victor Fung** met with UK Prime Minister **Gordon Brown** to communicate the world business community’s hopes and concerns for the summit.

USCIB, BIAC and ICC issued several high-level statements to governments, including a March 30 letter to President Obama from USCIB and other business groups supporting freedom of investment as an integral part of the recovery plan. US-

CIB also joined with several business, anti-poverty and faith-based groups in urging the President support open markets as a means of promoting poverty alleviation, while the ICC Banking Commission called on governments to free up trade finance through the temporary easing of Basel II capital holding requirements.

As the summit got underway, ICC took out a half-page ad worldwide in the Financial Times, calling on the G20 to roll back protectionist measures and work to complete the Doha Round. Both ICC Chairman Fung and USCIB President **Peter Robinson** had letters published in The New York Times decrying the drift toward protectionism and urging strong action by G20 governments. Both men also appeared on television during the summit.

A consolidated list of recent statements on the G20 Summit and the global economic crisis from USCIB and our global network is available on our website at [www.uscib.org/index.asp?documentID=3846](http://www.uscib.org/index.asp?documentID=3846).



Congressional response to the G20 Summit was generally positive. “In this grave and global economic crisis, I support the G-20’s call for countries to resist taking actions that would impose new beggar-thy-neighbor trade or investment barriers,” stated Senate Majority Leader **Harry Reid** (D. – NV). “History has provided few lessons as clear as that from the 1930s, which taught that new laws to increase tariffs or impose quotas and similar measures at a time of instability and uncertainty will only deepen and lengthen a recession.” ■

ICC Chairman Victor Fung met with UK Prime Minister Gordon Brown in the lead-up to the G20 Summit.



International Chamber  
of Commerce

www.iccwbo.org

## On Its 90th Birthday, ICC Launches New Research Foundation



Over 270 business leaders converged on Geneva in February to celebrate ICC's 90th anniversary, an event highlighted by the launch of the ICC Research Foundation, which aims to provide global intellectual leadership on major public policy issues. "What is needed now is a way to make a compelling case for world trade, in the context of today's world, that is accessible to all and based on well-designed research," said ICC Chairman **Victor Fung**. "That is the aim of the ICC Research Foundation." WTO Director General **Pascal Lamy** (top left) spoke at the event, which was attended by USCIB President **Peter Robinson** and Executive Vice President **Ronnie Goldberg** (above right, with Mr. Fung).

Founded in 1919, ICC promotes trade and investment across frontiers and helps companies meet the challenges and opportunities of globalization. Its conviction that trade is a powerful force for peace and prosperity remains as valid today as it was 90 years ago. The ICC Research Foundation will commission studies by research bodies, academic institutions and other experts in the areas of trade and investment. Its initial research projects will examine the contribution to global prosperity of international trade as seen from the perspective of different geographical regions — beginning with Europe, the United States and Asia.

ICC's 90th anniversary year will include a series of noteworthy events around the world, in Paris, Kuala Lumpur, New York, Boston and New Delhi.

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USCIB President's Office  
212-703-5049

USCIB Member Services  
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USCIB Communications  
212-703-5063

USCIB Washington Office  
202-371-1316

Visit [www.uscib.org](http://www.uscib.org)  
for a full list of staff including e-mail  
addresses (click "About USCIB")

### Self-Regulation and Advertising: Surviving the Challenges Ahead

In January, marketers and advertisers from around the world gathered in Washington, D.C., for an ICC roundtable on the future of self-regulation, organized by USCIB. Discussion focused on upcoming U.S. regulatory and self-regulatory initiatives, their international components, and engagement by U.S. firms on global marketing and advertising policy. Key speakers included **Deborah Platt Majoras**, vice president and general counsel with Procter & Gamble and the former chair of the Federal Trade Commission, who urged business to communicate the benefits of

advertising in encouraging competitiveness and to stress the cost-effectiveness of self-regulation at a time where government coffers are already heavily burdened. Other speakers from a range of companies, government agencies and self-regulatory bodies addressed advertising in interactive environments, sustainability and advertising, self-regulation in Latin America, and new models and initiatives in self-regulation. ICC has been a major rule-setter for international advertising since the 1930s, when the first ICC code on advertising practice was issued. ■



**Business and Industry Advisory Committee to the OECD**  
www.biac.org

### BIAC Calls for "Credible" G20 Action to Support Open Markets

BIAC Secretary General **Tadahiro Asami** urged G20 leaders to "take credible action to keep markets open for international trade and investment and through this contribute to global economic recovery." The G20 must replace rhetoric with action in order to keep their promise to avoid protectionism, he said. Mr. Asami said tangible results from the London summit would have to include a redoubling of efforts to ensure that measures taken in response to the economic crisis are fully consistent with the letter and spirit of WTO law and the G20 declaration of November. He suggested the OECD be invited to monitor and guard against protectionist backsliding on investment commitments.

### OECD's Gurría Calls for Strong Competition Policy to Speed Recovery

Governments must resist protectionism and keep markets open to competition as they seek ways to get their economies going again, according to OECD Secretary General **Angel Gurría**. "We must ensure that today's policies to manage the crisis will not be the source of tomorrow's problems," Mr. Gurría said in his opening address at the OECD Global Forum on Competition in Paris. While recognizing that emergency measures in a crisis may sometimes stray from the principles of sound competition, he urged governments to ensure that any support for individual companies and national champions should be transparent and temporary. "It is crucial that any restriction of competition during this critical period be carefully thought out, temporary and monitored," stated Mr. Gurría.

### BIAC Outlines Vision for Responsible Development of Nanotechnology

In an effort to provide broad input to several areas of the OECD's work, the BIAC Expert Group on Nanotechnology has issued a "vision paper" detailing business views on the future of nanotechnology. The paper, entitled "*Responsible Development of Nanotechnology: Turning Vision into Reality*," outlines the major benefits that could be accrued through the use of nanotechnology across different industries. It notes that nanotechnology could play a significant role in helping to ensure energy security, food security, clean water provision, improved healthcare, pollution remediation and enhanced communications. At the same time, BIAC outlines some of the potential challenges facing nanotechnology development in coming years, such as environmental, health and safety issues, human resources, intellectual property rights, oversight issues, and marketing and consumer issues. ■



**International Organization of Employers**  
www.ioe-emp.org

### Addressing Child Labor

In February, the IOE, in partnership with USCIB, the U.S. Chamber of Commerce, and the International Labor Organization, held a one-day international business forum on "Engaging Business — Addressing Child Labor," hosted by The Coca-Cola Company at its Atlanta headquarters. Child labor experts from the ILO, business leaders and other key actors converged to share concrete experiences dealing with child labor from the local to the global levels as well as the growing business risks resulting from child labor in supply chains and how business can strengthen efforts to address child labor. Speakers at the USCIB forum included **Muhtar Kent**, president and CEO of The Coca-Cola Company, **Brent Wilton**, deputy secretary general of the IOE, **Ed Potter**, director of global workplace rights with The Coca-Cola Company, and USCIB Executive Vice President **Ronnie Goldberg**, a member of the ILO's Governing Body who moderated a panel on the impact of child labor on business.

### IOE Stresses Proper Role of Regulation in Recovery

The International Labor Organization estimates that up to 50 million people may be unemployed as a result of the ongoing economic crisis. In a statement to a major ILO meeting in Lisbon, the IOE said that government action was essential, but that business too must live up to its responsibilities. "We recognize that mistakes were made," the statement read. "In vital sectors of the economy key players succumbed to irresponsible and counter-productive behavior and failed to live up to basic standards of transparency, prudence, accurate risk assessment, and sound governance." But the IOE said government policy also contributed to the crisis, and that business, government and society as a whole would need to act together to correct matters. "A properly regulated market system is the best and most proven means to ensure social and economic prosperity," the statement said. "The current crisis has taught us that only with appropriate regulation can financial markets fulfill their task of providing stability and liquidity to business." ■

washington  
wire

## USCIB Weighs in Early With New Administration

As the new administration settled into office, USCIB was quick to offer support in addressing the global financial crisis and recession. In a January 21 letter to **President Obama**, USCIB President and CEO **Peter Robinson** wrote that multilateral action to address the credit crunch was the most urgent order of business.

"The goal of concerted action must be to get capital flowing once again," he wrote. "Businesses large and small are starved of the capital they need for everyday operations, not least for financing trade. Meanwhile investment spending is grinding to a halt. Governments must find ways to ensure that the liquidity that they have collectively pumped into the system finds its intended targets."

The letter went on to say that, although new financial regulation is needed, it must be targeted, prudent and sensible. "Freezing asset flows with overregulation can do as much damage to the world economy as a weak regulatory framework," wrote Mr. Robinson. The U.S. and other governments should work toward a single set of high-quality global financial reporting standards set through an independent process free of political pressures.

At the same time, the USCIB letter said, the U.S. must work to keep markets open to international trade and investment. "Some countries are already resorting to border measures to protect their domestic economies," wrote Mr. Robinson. "Such policies failed during the Great Depression and are not likely to be any more effective today."

### Criticism of "Buy American" rules

As the administration and Congress worked under intense scrutiny to craft the economic stimulus package, USCIB sought to remind them of the importance of avoiding a relapse into protectionist policies, especially at a time of economic uncertainty. In February we joined a wide range of companies and industry groups in urging the Senate to reject further extending existing "Buy American" rules, saying these would invite "mirror-image" measures by other nations, thereby putting billions of dollars of U.S. exports in jeopardy.

"In essence, these proposals seek to impose a 19th century economic model on a much more modern and international U.S. economy, which will only make the United States, its workers and firms less successful," the joint industry letter stated. Following statements by President Obama that he wanted any such provisions to avoid engendering a trade war, the final stimulus bill reduced but did not eliminate the additional Buy American rules. ■

## Climate: Business Reaches Consensus as Nations Gear Up for Copenhagen

**B**usiness representatives from around the world met in Copenhagen in February to share their views on climate change, in hopes of reaching a common position in advance of a major UN climate summit in the Danish capital this December that is expected to result in a successor agreement to the Kyoto Protocol.

**Ann Condon**, director of environmental health and safety at General Electric and chair of USCIB's Environment Committee, represented the United States, accompanied by **Norine Kennedy**, USCIB's vice president for environment and energy, who served as rapporteur for the meeting, and **Steve Eule** of the U.S. Chamber of Commerce.

In addition to the United States, the business groups came from the European Union, China, Brazil, Canada, India, Kenya, South Africa and Japan. The end result startled even some of the participants in terms of the scope of consensus among industry groups from such a diverse group of countries. The groups signed a joint statement committing themselves to supporting a



USCIB Environment Committee Chair Ann Condon (General Electric) at the global industry meeting in Copenhagen.

successful outcome in December, which will mark the 15th conference of the parties to the UN Framework Convention on Climate Change.

"Business is committed to supporting a successful outcome at COP15 in Copenhagen, which we believe is possible in spite of the economic downturn," according to the joint statement. "Fundamentally, governments need to get an international framework agreement at COP15 to move international cooperative action on climate change forward, while addressing economic recovery and promoting energy security. We recommend that this framework give equal attention to mitigation, adaptation and deforestation."

The groups urged government to recognize and embrace business engagement as a critical player in finding solutions to climate change. "Despite the many challenges we are confronting in the current economic crisis, business continues to recognize the urgency of climate change," said Ms. Kennedy. "What we need to see is an integrated approach by governments that fosters investment in cleaner technologies and their deployment around the world." ■

## Global Chemicals Database May Impact Broad Swaths of Industry

**K**imberly McLaughlin, USCIB's director of product policy, nanotechnology, China, EU, and APEC affairs, recently represented American business in Geneva at a UN Environment Program informal workshop on a proposed global database of chemicals used in articles and products worldwide. At this gathering of over 100 government, academic and NGO participants, Ms. McLaughlin underscored U.S. business concerns that confidential business information be protected and provided insight into managing the scope of this proposed project, highlighting the diversity and complexity of information across business sectors.

The scope of a chemicals database — which was first proposed last year by the EU, Japan and the Intergovernmental Forum on Chemical Safety as an emerging issue to be addressed in the UN's Strategic Approach to International Chemicals Management (SAICM) process — will be negotiated at the

second session of the International Conference on Chemicals Management, in Geneva May 11 to 15. USCIB will lead a business delegation, encompassing particularly those downstream chemical users who can be greatly affected by discussions of global chemicals policy.

At the Geneva workshop, there were calls for an international harmonized database of chemicals in articles and products throughout the supply chain, as well as extended producer responsibility. Several participants called for an international binding instrument that would lead to a compulsory database of chemicals information in articles all through the supply chain with the hope towards substitution and alternatives. USCIB is concerned that, if these calls and proposals were to be implemented, there would be a significant negative impact on companies across numerous industries, regardless of size and nationality. ■



## Focus on Arbitration and Dispute Resolution: Scrutiny of ICC Arbitration Awards

One of the most prominent and distinguishing features of ICC arbitration is the compulsory scrutiny by the ICC International Court of Arbitration of every draft arbitral award rendered under the ICC Rules of Arbitration. This process, carried out by the ICC Court to ensure that ICC tribunals produce high-quality arbitral awards, is a quality control mechanism that increases the likelihood that arbitral awards that are legally enforceable. A clearer understanding of what scrutiny is and what it accomplishes will allow arbitration practitioners to acknowledge all its benefits.

An arbitral award is generally a decision about the rights and obligations of parties in a contractual relationship. When an award is sought by a party in arbitration proceedings, the ideal outcome of these proceedings is an arbitral award which meets the expectations of the parties and is enforceable internationally. The scrutiny process is a hallmark of ICC arbitration that has produced quality awards throughout the ICC Court's 86-year history.

The ICC Court carries out the scrutiny process after the award is drafted by the arbitral tribunal and before the award is final and handed down to the parties. A draft award may contain undetected discrepancies — some may be as simple as arithmetic oversights while others may be substantive, thereby threatening the validity of the award itself. By scrutinizing the award, the ICC Court has the opportunity to require that the tribunal correct mistakes as to form and to draw the tribunal's attention to points of substance.

The scrutiny process reflects ICC's prime objective of producing quality awards, while at the same time fully respecting the freedom of the arbitrators to decide the merits of the case. The scrutiny of the award is an integral part of ICC arbitration procedure and engenders no additional fees.

With members representing 90 countries, the ICC Court is the foremost international arbitration institution. The global resources at the disposal of the ICC Court to further its mission to safeguard the integrity of international arbitral awards are simply unparalleled by any other arbitration body.

If you want to learn more about the ICC scrutiny process, join us at ICC's 4th Annual New York Conference on September 14, 2009, which will focus on the award in ICC proceedings and feature a mock plenary session of the ICC International Court of Arbitration at which an award will be scrutinized. Additional information is available from **Lea Felluss** at 212.703.5044 or [lea.felluss@iccwbo.org](mailto:lea.felluss@iccwbo.org).

*Ms. Sicard-Mirabal is director, and Ms. Shannon and Ms. Ulicny deputy directors, of arbitration and ADR for North America with the ICC International Court of Arbitration. To learn more about ICC's multifaceted dispute resolution services, visit [www.uscib.org](http://www.uscib.org) and click on "Business Services."* ■



Review of ICC arbitral awards means the results are more likely to be legally enforceable.

## USCIB Member News

ICC's Intellectual Property Commission has appointed **Douglas W. Kenyon** of the law firm Hunton & Williams to head a task force on data exclusivity. As a partner with the firm's litigation and intellectual property practice and previous chair of ICC's task force on Chinese trademark law revision, Mr. Kenyon has litigated in tribunals around the world, including the U.S. Supreme Court, the U.S. Trademark Trial and Appeal Board, the European Commission and the World Intellectual Property Organization.

**Brian Fix**, a partner with the law firm Salans, will succeed **Michael Hodin** of Pfizer as the new Chairman of USCIB's European Union Committee. Mr. Fix specializes in structuring of investments into Europe and emerging markets, joint venture transactions, project finance, the development and construction of large infrastructure projects, and the media. ... **William Sample**, vice president of worldwide income tax with Microsoft Corporation, is the new vice chair of USCIB's Taxation Committee ... **Geoffrey Gamble**, director of international government affairs with DuPont, has been named vice chair of the ICC Commission on Trade and Investment Policy. He joins **Rajya Kanoria**, chairman and managing director of Kanoria Chemicals & Industries and President of ICC India, who was appointed to chair the commission last October.

Send your USCIB member news to [news@uscib.org](mailto:news@uscib.org).

## New USCIB Members

We are delighted to welcome **Delta Air Lines, Inc.** as the newest member of USCIB. To learn how USCIB membership can benefit your organization, contact **Bill Martin** at (212) 703-5064 or [wmartin@uscib.org](mailto:wmartin@uscib.org).

## Passings

We mourn the death of **Lee Morgan** who passed away in January at age 89. The former chairman and chief executive officer of Caterpillar Inc., Mr. Morgan was the 1982 recipient of USCIB's International Leadership Award.

## USCIB Staff News

In addition to his appointment to serve on a key National Academy of Sciences panel on forced labor (see page 4), **Adam Greene** has been nominated to serve as a non-government member of the Agriculture Department's Consultative Group to Eliminate the Use of Child Labor and Forced Labor in Imported Agricultural Products, where he would represent private agriculture-related enterprises. ■

## USCIB: Now More Than Ever, Making a Difference

*A quick look at some major USCIB policy achievements since the beginning of 2009 not covered elsewhere in this issue of **International Business**. USCIB members too numerous to name actively contributed to, and in many cases led, business efforts on these and many other issues.*

### Open Markets

**The Economic Crisis and Poverty** – With the crisis hitting poorer nations especially hard, USCIB and other business groups joined a variety of anti-poverty and faith-based groups to appeal to President Obama and Congressional leaders for U.S. leadership at the G20 Summit to keep markets open to avert many millions of people falling back into poverty. We also signed on to a joint industry letter to President Obama urging the maintenance of an open door for foreign investment as a key part of spurring global recovery.

### Competitiveness and Innovation

**The Internet and Innovation** – With USCIB backing, ICC voiced support for maintaining the Internet Governance Forum in its current format, saying this allows open dialogue on Internet governance issues among a variety of stakeholders. Meanwhile, the Business and Industry Advisory Committee to the OECD helped organize a workshop in Paris that spotlighted the crucial role of ICTs in innovation.

**The Future of Nanotechnology** – With USCIB input, BIAC's Expert Group on Nanotechnology issued a "vision paper" for the responsible development of nanotechnology in coming years, promoting a favorable business environment for innovation in nanotechnology across a wide range of industries.

### Sustainable Development

**World Water Forum** – Both ICC and BIAC played important roles at this major UN conference in Istanbul, providing business views on how water resources are seriously threatened by population growth, land use and pollution, and proposing solutions.

### Corporate Responsibility

**Business and Human Rights** – As the world marked the 60th anniversary of the Universal Declaration of Human Rights, ICC issued a policy statement on the role and responsibilities of business, building on the work it and our other affiliates have done to work constructively with the UN's special representative on the subject.

**Resisting Corruption** – ICC unveiled a practical new online tool, dubbed "RESIST," to help companies better address the risk of bribe solicitation and extortion demands, and published a timely new edition of its benchmark study, *Fighting Corruption*.

**HIV/AIDS in Africa** – The International Organization of Employers joined with the Pan-African Employers' Confederation to publish a key guide on dealing with HIV/AIDS in the context of African business. ■

*Please contact us or visit [www.uscib.org](http://www.uscib.org) for additional information.*

## The OECD's Evolving Role in Shaping International Tax Policy

June 1-2, 2009

The Ronald Reagan Building & International Trade Center  
Washington, DC

Presented by USCIB, OECD and BIAAC in association with numerous leading trade and tax institutions, this conference provides a unique opportunity for American business to engage with key representatives from the OECD Center for Tax Policy and Administration, along with senior tax officials from the U.S. and OECD countries. Speakers from a variety of organizations, including OECD Secretary General **Angel Gurría** and **Jeffrey Owens** of the OECD's Center for Tax Policy & Administration, will address current OECD tax projects. Space is limited for this event; early registration is highly recommended. For more registration information and to find out about sponsorship opportunities, please visit [www.uscibtax.org](http://www.uscibtax.org), or contact **Erin Breitenbucher** (202-682-7465, [ebreitenbucher@uscib-dc.org](mailto:ebreitenbucher@uscib-dc.org)).



### Early-bird discount expires May 7!

## ICC International Court of Arbitration Asia-Pacific Conference

June 7-9, 2009

The Palace Hotel  
San Francisco

This two-day arbitration conference will feature an expert panel that will examine the history of international arbitration in the Asia-Pacific region with a focus on recent developments and emerging arbitration trends in the region. Other breakout sessions will explore recent ICC experience in arbitrations involving state parties, multi-party arbitration issues, the rules and practices governing discovery in international arbitrations, the role of different legal cultures and intellectual property disputes in the Asia-Pacific region, recent arbitration developments in China, and corporate counsel views on the costs and benefits of arbitration in trouble economic times. To register, contact **Lea Felluss** (212-703-5044, [ifs@iccwbo.org](mailto:ifs@iccwbo.org)). ■



## 6th World Chambers Congress

June 3-5, 2009

Kuala Lumpur, Malaysia

Under the theme, "Leading sustainable growth and change," the 6th World Chambers Congress, organized by ICC's World Chambers Federation, will address the major challenges facing chambers and their SME business members. Held every two years in different regions of the world, the World Chambers Congress is the only international forum for chamber executives worldwide to share best-practice experience, develop networks and learn about new areas of innovation from other chambers as they face the challenge of remaining relevant to companies in their region. Key issues such as the economic implications of climate change, food and energy, globalization, empowering women in business, and developing young entrepreneurs are just some of the sessions planned for this year's congress. A one-day business program preceding the congress will showcase investment opportunities in Malaysia. Visit [www.kl2009.com](http://www.kl2009.com) for more information. ■





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**calendar**

**may**

3 - 5	Chicago	ICC International Court of Arbitration Workshop
11	Chicago	Seminar: Best Practices for Export Supply Chain and Carnet Issues
14	New York	USCIB Executive Committee
15	Cannes, France	23rd ICC Annual Conference on International Audiovisual Law
21	Redmond, WA	BASCAP Global Leadership Group
21 - 22	Lisbon	BIAC General Assembly

**june**

1	Washington, DC	USCIB Taxation Committee
1 - 2	Washington, DC	USCIB Conference: The OECD's Evolving Role in Shaping International Tax Policy
2	Geneva	IOE General Council
2	Zurich	ICC Commission on Competition
2 - 4	Cancún, Mexico	5th Global Congress on Counterfeiting and Piracy
3 - 19	Geneva	ILO International Labor Conference
3 - 5	Kuala Lumpur, Malaysia	6th ICC World Chambers Congress
7 - 9	San Francisco	ICC International Court of Arbitration Asia-Pacific Conference
16 - 17	Monaco	ICC High Level Meeting "Rebuilding Financial Markets, The Way Forward"
21 - 22	Paris	BIAC Consultation with OECD Ministerial Bureau
23 - 24	Paris	OECD Forum 2009
25 - 26	Paris	ICC Commission on Marketing and Advertising

**september**

14	New York	Fourth Annual International Court of Arbitration New York Conference
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**october**

8	New York	USCIB 2009 International Leadership Award Dinner
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**november**

1 - 3	Miami	Conference: International Commercial Arbitration in Latin America - The ICC Perspective
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Please visit [www.uscib.org/calendar.asp](http://www.uscib.org/calendar.asp) for a full list of upcoming events.

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