Inside

Raising alarm on NAFTA ........................................ 3
Business and global nutrition .......................... 8
Gearing up for WTO Ministerial .................. 12
The Global Goals: A Blueprint for Partnership and Action

Two years after the conclusion of pivotal United Nations agreements on climate change and sustainable development, the international community is at something of a crossroad. We confront not only the expected, if daunting, challenges of implementation – how to get from Point A to Point B – but also unanticipated challenges to countries’ political commitments – whether we should even be heading toward Point B in the first place.

For the U.S. business community, these stresses and strains are especially difficult to navigate. We can identify a number of seeming contradictions:

• A growing need for private-sector financing and investment in innovation and infrastructure, but a lack of agreed policy frameworks to enable this investment

• The need to leverage markets and the global trading system to deliver results, at a time when open trade and investment regimes are increasingly called into question

• The critical importance of robust and inclusive international institutions, just as some governments appear to be retreating from international commitments and multilateral forums.

How can American business, operating in the international marketplace, plan for and respond to these challenges, and where can we make the biggest difference in advancing sustainable development?

In the face of challenges such as unemployment, climate change and strains on resources around the world, USCIB believes we have to pursue the UN’s 2030 Development Agenda and its 17 Sustainable Development Goals (SDGs), as “must-wins” for the United States, for the American business community and for the wider world.

Why? Because economic growth abroad helps create jobs, innovation and wealth at home. Open markets and policies that foster private investment offers new markets for our products. Innovation aimed at improved sustainability give the U.S. a leg-up in global competition while advancing investment in energy sources and new technologies to combat climate change.

USCIB members believe that, without strong commitment and incentives for the private sector, we won’t be able to achieve the Global Goals. In that connection, public-private partnerships are more than “nice-to-have” for the Goals, they are “must haves.”

USCIB members have embraced the SDGs as an accessible and flexible blueprint for not just corporate responsibility, but across other key business functions. Our innovative web platform, Business for 2030, now showcases 200 initiatives from 52 companies, in over 150 countries, covering 85 of the 169 SDG targets. These encompass both philanthropic and corporate responsibility initiatives as well as core business operations that all contribute to achieving one or more of the 17 SDG targets.

Public-private partnerships for implementation, innovation and inclusiveness are more than “nice-to-have” for the Global Goals, they are “must haves.”

The Three I’s

While the 2030 Agenda blueprint enjoys wide business support, USCIB sees three broad challenges that must be addressed to speed up SDG implementation by business:

• Information: While there is more and better information available from companies on SDG action, the international community now faces two seemingly contradictory challenges: data gaps in some areas, while in others, the systems are overwhelmed with the quantity of data, and we – business, governments – don’t know where to begin to understand or prioritize action. We have too much information and not enough analysis. The business community needs to develop ways to present its progress on SDGs and in corporate responsibility efforts that are accessible and relevant for the international community and national governments.

• Innovation, which is the best source of solutions for sustainability, still faces obstacles due to a lack of proper incentives for researchers, inventors and investors. The UN must do better in creating a fully welcoming environment and institutional framework for technology innovation that is genuinely involving business experts.

• Inclusiveness: A basic tenet of the Agenda for 2030 is that no one is left behind. That suggests that everyone needs to be involved to deliver solutions. Yet in some UN forums, the private sector is still not regarded as a full partner in the effort. At times, there are still political sensitivities when business wants to come to the table, or even just listen in on policy deliberations. Clearly, in business need to do more to demonstrate commitment and deliver actual results.

continued on page 18
Big Turnout on Capitol Hill Raises Alarm on NAFTA Talks

As the fourth round of talks between the United States, Canada and Mexico on the future of the North American Free Trade Agreement unfolded, USCIB joined many of its members and other associations in flooding Congressional offices on Capitol Hill, raising serious concern over the direction of talks. According to Eva Hampl, USCIB’s director of trade and investment policy, who took part, private-sector representatives spent a full day talking to House Republicans as well as a few Democrats, mainly staff members but also including a few members themselves.

Hampl stated: “The views from House offices varied from understanding the problems presented by statements coming from many U.S. negotiators and administration officials, to having a few specific issues they cared about, to not yet having decided a position on NAFTA modernization. We spent a good amount of time explaining to those who were bogged down in specific issues, or those who did not yet care, that the key elements of the U.S. trading system of the U.S. are at risk.”

Worrisome, and potentially protectionist, proposals coming from the U.S. side in the NAFTA talks address rules of origin, government procurement, investor-state dispute settlement, and a proposed sunset provision that would essentially force NAFTA to be renewed at regular intervals.

“At the same time, a lot of progress is being made in the negotiations in chapters such as customs, digital trade, and in the regulatory space,” Hampl noted. “The U.S. could certainly log a win in this modernization effort if NAFTA 2.0 included those provisions.” But she said there is “great concern” in the business community that NAFTA is being set up to fail with some of the proposals that are being tabled.

USCIB co-sponsored a reception on the sidelines of the NAFTA talks, where Hampl amplified USCIB’s central message of urgency, noting that USCIB members rely on the agreement and its benefits for their operations, which provide jobs for U.S. workers. “NAFTA has done a lot for the U.S. economy and USCIB member companies over the last 23 years, so while this is a great opportunity to bring this agreement into the 21st century, if the existing benefits are lost, that effort will be significantly undermined,” she said.

Mulligan Talks NAFTA at CSI Summit

USCIB Senior Vice President for Policy and Government Affairs Rob Mulligan spoke at a Coalition of Services Industries (CSI) summit in October on USCIB’s North American Free Trade Agreement (NAFTA) priorities.

USCIB members have benefited from NAFTA and believe the current negotiations should ensure that the beneficial parts are preserved, that is ‘do no harm,’ while also taking advantage of the opportunity to improve it in areas that were not addressed two decades ago.

Mulligan noted that NAFTA can be brought into the 21st century by including provisions that ensure cross-border data flows, include strong e-commerce rules, protect against data localization requirements, and level the playing field for firms competing against state-owned enterprises. More can also be done to improve the customs processes with Canada and Mexico. Increased transparency in the publication of laws, regulations and procedures would improve customs administration. And bringing de minimis thresholds into relative alignment would facilitate trade, especially for small businesses. All of these steps will help U.S. businesses grow and create jobs.

A plea to avoid changes to existing parts of NAFTA that would harm trade rather than expand it.

However, Mulligan raised concerns over several moves by the U.S. during the fourth round of negotiations, “Recent U.S. proposals for a sunset clause, to restrict government procurement, allow an opt out of ISDS, and impose new content requirements for autos will not expand trade and we are concerned that they could force eventual failure of NAFTA that would severely impact the U.S. economy and millions of jobs that are tied to NAFTA.”

Mulligan noted that while USCIB member companies strongly support NAFTA and have greatly benefited from it over the last 23 years, they want the governments to avoid changes to existing parts of NAFTA that would harm trade rather than expand it.
UNGA Events Promote Gender Equality, Tackle Child Labor

The UN General Assembly (UNGA) featured dozens of side-events organized by civil society, business and governments tackling pressing issues facing humanity in the 21st century.

USCIB President and CEO Peter M Robinson, who also serves as regional vice president for North America for the International Organization of Employers (IOE), advocated on behalf of IOE during several employer-organized side-events, including the launch of the Equal Pay International Coalition (EPIC).

EPIC is a strategic multi-stakeholder partnership founded by the International Labor Organization (ILO), UN Women and the Organization for Economic Co-operation and Development (OECD) to assist UN Member States in achieving the UN Sustainable Development Goals (SDG’s), specifically those that promote gender equality and women’s empowerment.

Robinson spoke on a panel on “Drawing top talent for innovation and growth at leading businesses through equal pay policies”, alongside business leaders from IKEA, Accenture, Barclay’s, GAP and Catalyst. Robinson emphasized the compelling business and economic case for unleashing women’s skills and talents and empowering women to enjoy equal access to job opportunities and career advancement. Rather than increasing regulation and legislation, Robinson pointed out that solutions for closing gender parity gaps include a better understanding of the barriers behind such gaps, with cultural and legal barriers differing widely among countries.

*The IOE, with its global membership, is well positioned to help in this regard in both education and advocacy,* said Robinson.

Robinson also represented employers at an Alliance 8.7 launch of the ILO’s Modern Slavery and Child Labor Global Estimates where he provided insight on the position of employers with regards to child labor and forced labor on the high-level panel, “Harnessing the numbers to accelerate eradication.” In his remarks, Robinson emphasized the continued dedication of employers to eradicate child labor and forced labor, noting the importance of collaboration between governments and the private sector, especially given the complexity of today’s global supply chains.

Roundtable on Enhancing Impact of Public Private Partnership

While partnerships are a widely accepted means to complement government policy and implementation, USCIB’s Business Experts Roundtable on Enhancing Impact of SDG Public Private Partnerships (PPP’s), zeroed in on the special attributes and expectations relating to such partnerships for SDG implementation.

The Roundtable, hosted by Deloitte, provided feedback from experts and speakers from companies, the U.S. government and UN entities to comment on what they considered to be the essential ingredients for impact when it came to designing and implementing those cooperative approaches.

continued on page 18
Understanding Big Data for Business Action on SDGs

USCIB convened a Business Experts Roundtable on Data Analytics for the UN Sustainable Development Goals (SDGs) and National Reports, at KPMG. This session was intended to start a conversation about how to organize, analyze and improve on frameworks to present and analyze SDG-related data, with a focus on private sector approaches that are already in use.

OECD Secretary General Angel Gurria opened the meeting with a statement of wholehearted commitment by the OECD to advancing SDG action by governments. He reminded the meeting of extensive data and assessment that the OECD has gathered, but also recognized that the quantity and variety of metrics is overwhelming. He expressed appreciation for U.S. business involvement on these topics through the Business and Industry Advisory Committee to the OECD, and looked forward to further insight that business could offer in organizing what is becoming “too much” of a good thing: data and metrics on SDG action and impact.

USCIB members offered two presentations as examples of business thought-leadership in this area. Tam Nguyen and Michael Yamoah, Bechtel, described a textual analytics framework to strengthen the business case within the company for SDG action. The overall objective in the company was to shift from SDG reporting to formulating a strategy that would be integral to the entire business process: new business development, design, building and operation. Text analytics of national voluntary reviews did provide a structured approach to organize and make sense of voluminous amounts of unstructured data related to business lines, markets and SDG’s.

National governments and other important societal partners are expected to take action on the 17 goals and 169 targets of the SDGs, but governments and business now face the challenge of how to measure progress on multiple and integrated fronts, and then communicate it to important stakeholders. In addition, many stakeholders are seeking more disaggregated data, which adds another level of complexity. For business, that means reaching internal audiences as well as investors to demonstrate value and benefit of a company’s SDG involvement, while national governments seek to demonstrate to their public and the international community – perhaps through Voluntary National Reviews to the UN High Level Political Forum – that they are delivering on their commitments.

Shared Interests in the SDGs: Business Makes It Happen

USCIB’s UN General Assembly side-events culminated with an event focused on “Shared Interests in the Sustainable Development Goals (SDGs): Business Makes it Happen.” The meeting, hosted by Pfizer, was chaired by Novozymes CEO Peder Hold Nielsen, who also serves as USCIB board member and sustainability “champion” and explored opportunities for improved transparency and cooperation in the UN that would scale up cooperation and partnership with U.S. business to deliver the SDG’s.

In his opening comments, Nielsen stated that the United Nations is part of the infrastructure that U.S. business depends on in commercial activity around the world, and looks to the U.S. government to work with U.S. companies for outcomes that reflect good governance and advance economic benefits both overseas and domestically. “Business understands the SDG imperative of ‘No one left behind’ to mean ‘everyone must get involved to make a difference, including business,’” he said.

Norine Kennedy, who leads USCIB’s work on the SDG’s, discussed the pivotal role that the private sector has played in supporting UN sustainable development work, including the climate agreement and the SDG’s, and the recognized role that business has in the International Labor Organization (ILO) and in the Financing for Development process, among others. “These integrated interactions have created ambitious and widely accepted sustainable development initiatives that continue to move ahead with vigorous U.S. business support, as evidenced in the USCIB Businessfor2030 web platform.”

Elliott Harris of the UN Environment Program reminded the meeting’s participants about the differences in language, time frame and scale between public and private sector expectations and contributions. While the UN sees a very
Mastercard congratulates our President and CEO, Ajay Banga, on being awarded USCIB’s highest honor—the International Leadership Award.

We applaud his forward-thinking vision, international success, and exemplary stewardship.
USCIB Foundation Hosts Business & Human Rights Symposium

The USCIB Foundation teamed up with Barrick Gold and Article One Advisors on September 13 to hold a symposium—Human Rights and Remedy in Business Relationships with Limited Leverage. The symposium was hosted by Marriott International and held under Chatham House Rule.

Businesses often have different types of leverage that can be used to help promote corporate responsibility and respect for human rights in their operations and with their business relationships. Contracts provide a clear source of leverage, such as agreements with business partners or sourcing agreements with direct suppliers. This leverage can also extend to using business relationships influence to help promote greater access to judicial and non-judicial remedy for victims – in keeping with the United Nations Guiding Principles on Security and Human Rights (aka Guiding Principles).

“First and foremost, the Guiding Principles set out the critical duty of States to protect the human rights of their citizens through the development and enforcement of national laws,” noted Gabriella Rigg Herzog, USCIB’s vice president for corporate responsibility and labor affairs. “They also include the corporate responsibility to respect human rights and operate with due diligence, and the need for greater access to remedy for victims of alleged human rights abuse,” she added.

But what happens if a business’s leverage is limited? How can a company identify new ways to exercise leverage – especially when it relates to promoting respect for human rights and greater access to remedy – when faced with leverage-limiting scenarios franchises, licensing, sponsorships and non-operated joint ventures?

These questions were the focus of the symposium, which was attended by over 70 representatives of business, U.S. government and civil society. Presenters representing industries as diverse as extractives, hospitality and banking, as well as civil society, discussed stakeholder expectations for business, brainstormed on how to increase trust between stakeholders and business on the issue of leverage, the challenge of defining remedy, and moving from theory to action around key issues like performance, timing and achieving scale.
Global Nutrition: “No More Missed Opportunities”

Poor diet is the number one risk factor for early death, contributing to 20 percent of global deaths, with the burden falling disproportionately on children under five and women of reproductive age. In October, The USCIB Foundation, the educational and research arm of USCIB, joined with the Global Alliance for Improved Nutrition (GAIN) and Wilton Park USA, to begin tackling this problem – a situation nutrition experts have described as a “missed opportunity” (Lancet, 2013) – through a roundtable dialogue at the Harvard Club in New York under the banner of “No More Missed Opportunities.”

Each year, malnutrition is a factor in almost half of the six million deaths of children under five, and 159 million children are stunted, with impacts on their physical and cognitive abilities that last a lifetime. More than 500 million women are anemic, with an increased risk of maternal death and delivering premature and low-birth-weight babies. At the same time, 600 million adults are obese and 420 million have diabetes, with rates rising steeply. Every country is now struggling with some aspect of malnutrition and a growing number are experiencing both undernutrition and obesity.

The roundtable sought to support the accelerated achievement of internationally agreed global nutrition goals, and broader commitment to the UN Sustainable Development Goals (SDG’s), by convening a high-level group of leaders from government, business and other key stakeholders.

In his opening remarks, USCIB President and CEO Peter Robinson said, “The USCIB Foundation is here looking for ways to improve and accelerate business engagement in the implementation of the global nutrition goals, which we believe is absolutely essential if we hope to achieve these goals by 2030.”

Robinson also highlighted the significance of the draft Principles of Engagement for Government-Business Collaboration, noting, “consensus around a set of principles like these would establish a framework that would encourage more joint efforts and public-private partnerships.”

While Robinson said he is “highly optimistic” about the future of nutrition, he remarked on some barriers to private-sector engagement. These include the perceived conflict of interest between business motivation for public-private partnerships and public-sector goals, lack of trust between business, governments and other stakeholders and too much regulatory red-tape, seemingly designed to deter the private sector from engaging in partnerships.

Panels throughout the dialogue focused on the knowledge revolution and data, the pace of innovation, incentives for government-business collaboration, multi-sectoral platforms that can facilitate results, and concluded with a spirited discussion of draft Principles of Engagement to guide further discussion.
The third annual Business and Climate Summit—the leading forum for business leaders, investors and policymakers on climate action—took place from August 31 to September 1 in New Delhi, India. The Summit showcased business leadership in addressing climate change and highlighted how business can help governments achieve climate objectives.

This year’s Business and Climate Summit in New Delhi delivered a powerful statement as private sector representatives from around the world gathered for the first time in an emerging country to showcase their commitment to tackling climate change. While the Paris Agreement aims to hold the increase in global average temperature to well below 2°C, current government pledges will only contain the increase in global warming to approximately 3°C. Business has already stepped up to bridge the gap, and the Summit aimed to highlight how.

Hosted by the Federation of Indian Chambers of Commerce and Industry (FICCI) in collaboration with the International Chamber of Commerce (ICC) and other partners, the Summit consisted of two days of high-level discussions across six plenary sessions and nine ‘focus sessions,’ covering topics from urban mobility to energy security. The Summit hosted high-level deliberations to voice messages from businesses on private sector actions around climate change and future visions for a low-carbon trajectory.

“Business has a vital and constructive role to play in informing climate policy,” ICC Secretary General John Danilovich said. “This year’s Business and Climate Summit comes at a crucial time and offers business the opportunity to show the positive steps we are taking towards a more sustainable economic future.”

The Business and Climate Summit brought together more than 70 high-profile speakers from around the world—comprising CEOs of top companies, ministers and high-level representatives of governments, international agencies and global climate-related organizations—with participation from more than 15 countries representing over 30 sectors of the economy.

“The year’s Business and Climate Summit comes at a crucial time and offers business the opportunity to show the positive steps we are taking towards a more sustainable economic future.”

—— John Danilovich

The New Delhi Summit was shown a high level of support from the Indian Government, with key ministries such as the Ministry of Environment, Forest and Climate Change, Ministry of New and Renewable Energy, Ministry of Finance, Ministry of Petroleum and Natural Gas and Ministry of Railways represented by speakers at the event.
ICC and WTO Launch Small Business Champions Initiative

A joint effort to facilitate participation by smaller companies in international trade has been launched by Roberto Azevedo, the director general of the World Trade Organization (WTO), and John Danilovich, secretary general of the International Chamber of Commerce. Those businesses putting forward successful proposals will be recognized as “ICC-WTO Small Business Champions.”

Despite their economic importance in developed, developing and least-developed countries, the share of trade accounted for by micro, small and medium-sized enterprises (MSME’s) is disproportionately small, often because they are unaware of the potentially wider market and because they traditionally have not had the resources to navigate sometimes complex trading procedures. But new technologies are helping to pare back these obstacles and create a more level playing field for smaller companies in international trade. Helping more MSME’s to trade internationally is an important step in building a more inclusive trading system that benefits a wider array of citizens.

Secretary General Danilovich and Director General Azevedo are calling for businesses and private sector organizations to step forward with proposals which can help MSME’s to participate in international trade. The aim is to raise awareness of the barriers that MSME’s face in doing business across borders, highlight the experiences and success stories of those MSME’s that are already trading, facilitate access to critical information, and raise skills among MSME’s to enable them to diversify export markets.

Communicators Meet in Ireland for 2nd Roundtable

Business at OECD welcomed more than 20 representatives from member federations and companies in Dublin and Cork, Ireland, to its annual Heads of Communication Roundtable, jointly organized with its Irish member federation IBEC. Jonathan Huneke, USCIB’s vice president for communications and public affairs, represented USCIB alongside several representatives of USCIB member companies.

High-level speakers at the roundtable included Irish Ambassador to OECD Dermot Nolan, IBEC President Edel Creely and CEO Danny McCoy, and Irish experts who had helped “move the needle” on contentious public debates over economic development and marriage equality.

The communicators held site visits and discussions with Cathy Kearney (CEO, Apple Ireland), Donal O’Sullivan (CEO, Johnson Controls) and Kyran Johnson (General Manager, Janssen, a unit of Johnson & Johnson).

Forum on Health, Growth and Productivity

In the follow up to the 2017 Meeting of OECD Health Ministers, the Business at OECD Forum on Health, Growth and Productivity brought together senior business representatives including select CEO’s, high-level government officials, OECD leadership and academia, as well as relevant OECD stakeholders to discuss the proactive role of the private sector in attaining better health, growth and productivity. The Forum took place on October 27 in Paris.

Panels included discussions on integrating care, valuing innovation, investing in a healthier future and promoting balanced choices and active lifestyles.

Speakers stressed the critical role that policy coherence in the fields of health, trade, finance, industry and education sectors plays in supporting growth and productivity. Commenting on the role of international collaboration, OECD Secretary General Angel Gurría stated, “Poor health harms people, lowers productivity and ultimately undermines growth. The OECD is supporting the business community’s efforts to help shape the future of health policy and promote good employee and customer health.”
USCIB Joins 107 Associations on NAFTA Letter on Investment

USCIB joined 107 other associations in a letter sent on August 8 to United States Trade Representative Robert E. Lighthizer and four other cabinet-level officials in the administration highlighting the importance of a strong investment chapter in the North America Free Trade Agreement (NAFTA). The letter emphasized the need for strong enforcement provisions via an investor-state dispute settlement (ISDS) system with independent expert arbiters. The letter also offered six specific suggested changes to strengthen the current investment chapter in the NAFTA modernization negotiation set to begin August 16 in Washington.

Investment, including Foreign Direct Investment, is key to driving economic growth, competitiveness, exports and jobs. Strong investment agreements, including ISDS arbitration provisions are key to effective enforcement.

Donnelly Offers Ambassador’s Perspective in Commerce Training Session

USCIB Vice President for Trade and Financial Services, and retired U.S. Ambassador, Shaun Donnelly offered an ambassador’s perspective on effective embassy commercial work on behalf of U.S. companies overseas to a group of new Foreign Commercial Service (FCS) officers at the U.S. Department of Commerce in August.

During the session at the Commerce Department’s Commercial Diplomacy Institute, Donnelly joined with former FCS Director General and retired Ambassador Chuck Ford to share perspectives, experiences, best practices and even a few war stories, on what makes U.S. embassies effective in promoting U.S. commercial interests overseas.

One key message Donnelly and Ford both emphasized is the importance of close cooperation around the embassy, especially between FSC and State economic sections plus active involvement from the Ambassador and the rest of the Embassy team.

Guy Ryder Begins New Mandate as ILO Director General

Guy Ryder began his new mandate as Director General of the International Labor Organization (ILO) in October. His first official mandate began in October 2012 when his role centered on ensuring the ILO’s place at the table in international decision-making on issues affecting the world of work.

Ryder’s new mandate coincides with the ILO’s centenary, which will be commemorated in 2019. His major challenge ahead will be to ensure the ILO remains relevant in the context of the changing world of work and can contribute meaningfully to debates on the future of work. To this end, Employers are keen to observe and contribute to the ILO Global Commission on the Future of Work, which was launched in August 2017.

Ryder’s new mandate coincides with the need for large-scale ILO reform: a much-needed review of the ILO’s structure, how it works and examination into how it can serve its constituents, including Employers, in the face of economic constraints and global change.

USCIB Ramps Up Work on Intellectual Property and Innovation

USCIB has redoubled its efforts to promote American competitiveness with the launch of its Intellectual Property and Innovation Committee. The new committee, chaired by Sharon Reiche, corporate counsel for global patents and policy at Pfizer Inc., builds upon USCIB’s longstanding commitment to improved protection of intellectual property – and the innovation and creativity it underpins – via robust U.S. trade policy and expanded international diplomatic commitments.

The inaugural meeting of the new USCIB committee took place on October 18 in Washington, D.C. Special guests at the meeting included John Sandage, deputy director general for patents and technology at the World Intellectual Property Organization (WIPO), and Paul Salmon, senior counsel for international affairs at the U.S. Patent and Trademark Office.

Another guest at the October 18 meeting was Daphne Yong-d’Herve, chief intellectual property officer with the International Chamber of Commerce (ICC), the world business organization for which USCIB serves as the exclusive American affiliate. Yong-d’Herve provided an overview of ICC’s newly elevated status as an observer in the United Nations General Assembly. This is expected to augment ICC’s longstanding work with WIPO and other international agencies, as well as national governments, to promote effective protection of intellectual property around the world.
WTO Meetings in Geneva Set the Stage for Upcoming Ministerial

USCIB Senior Vice President Rob Mulligan traveled to Geneva in September for the WTO’s annual Public Forum, as well as related meetings organized by the International Chamber of Commerce (ICC).

The issues mentioned as having the potential for some type of action at the World Trade Organization (WTO) Ministerial (MC 11) in December, included investment facilitation, fisheries subsidies, e-commerce, services facilitation and agriculture.

Discussions during the Public Forum around the impact of technology and the need for better approaches to education and training, as well as more effective safety nets for those losing jobs. Additionally, some countries, including the United States, voiced the need for institutional reform at the WTO. According to Mulligan, it was suggested that business could play an important role in pressing for reforms.

“While the Ministerial may not produce a number of deliverables, business engagement will be needed to ensure that the WTO moves forward after the Ministerial on issues that address meaningful concerns with the global trading system,” said Mulligan. “This will be important to preserving the relevance and value of the WTO in opening global markets,” he added.

“Business engagement will be needed to ensure that the WTO moves forward after the Ministerial on issues that address meaningful concerns with the global trading system.”

— Rob Mulligan

In addition to the Public Forum, ICC hosted a panel that highlighted the report they had sponsored in March with a range of ideas for the WTO to take up at the December Ministerial. Panelists also discussed the importance of investment protections and cross-border data flows to business. ICC noted that they will be working with the government of Argentina in organizing a Business Day in Buenos Aires on December 12 that will deliver recommendations to the WTO on future work.

This year’s WTO Ministerial will be hosted by Argentina.
As China continues to grow in importance in the global economy, it is crucial for the Chinese and U.S. governments to continue to work together to address common challenges and responsibilities. In view of this, USCIB has recently submitted a statement to the United States Trade Representative (USTR) on China’s compliance with its World Trade Organization (WTO) commitments, which incorporated a wide array of input from USCIB members across various sectors.

USCIB commended the U.S. and Chinese governments for important work in ongoing bilateral discussions. The statement addressed important issues to U.S. business including taxation, customs and trade facilitation, information technology and intellectual property rights. Furthermore, it advocated for continuing negotiations of a Bilateral Investment Treaty (BIT) between the U.S. and China.

“We urge both countries to utilize the full range of multilateral forums in addition to the WTO, including the Asia-Pacific Economic Cooperation (APEC) Forum and the Organization for Economic Cooperation and Development (OECD), to work toward improved commercial relations,” said Eva Hampl, who leads USCIB’s work on China.

While USCIB acknowledges the efforts China has made since joining the WTO in 2001 to meet its obligations under the terms of its accession agreement, there still remain significant WTO obligation compliance concerns, added Hampl. These concerns include government procurement, trade restrictions in information technology and continued intellectual property violations in audiovisual, software, agriculture biotechnology and chemicals.

In response to a Federal Register notice, Hampl also provided oral testimony on October 4 to the U.S. government interagency Trade Policy Staff Committee (TPSC) regarding China’s compliance with its WTO commitments. The testimony amplified priority issues for USCIB members, in addition to the written submission made in September.

USCIB Supports an EU-U.S. Privacy Shield Framework

On the occasion of the first joint review of the EU-U.S. Privacy Shield Framework, USCIB reaffirmed support for the Framework and issued a statement underscoring its importance in ensuring continued robust and reliable transatlantic data flows, which have proved vital for healthy U.S.-EU commercial relations.

In just one year, nearly 2,500 U.S. business entities have self-certified with the Department of Commerce and publicly committed to comply with the Framework requirements – with many of them already in the process of re-certifying.

“This impressive ‘track record’ substantiates our view that many U.S. companies see the potential of the Framework to provide greater legal certainty and consumer confidence in data transfers,” said Barbara Wanner, USCIB’s vice president for ICT policy. “In the longer term, this will promote commercial activities and investments yielding increased economic and societal benefits on both sides of the Atlantic,” she added.

USCIB highlighted three important points for consideration in the Annual Review: (1) the Framework is realizing stronger personal data protections; (2) the Framework is serving as an effective mechanism for certification by Small and Medium Enterprises (SMEs); and (3) the longevity of the Framework remains important.
Which of the following could limit your company’s success in foreign markets?

A. Allowing someone else to price your goods or services
B. Only buying or selling in U.S. Dollars
C. Not hedging foreign currency

Think you know the answer?
Visit www.bokfinancial.com/international to find out.

When operating your business internationally, you have to stay on your toes. You need to know the intricate challenges associated with your markets. At BOK Financial, our International Services team provides robust Foreign Exchange services. They have a depth of knowledge and experience to assist you in navigating the ins-and-outs of the global marketplace. Let us help you make the most of your business abroad. Call 855.893.3301
When we all work together, we keep our community connections strong.

We proudly support the efforts of the United States Council for International Business to advance the global interests of American business and contribute to economic growth, human welfare and environmental protection.
USCIB Participates in UN Meeting on Proposed Human Rights Treaty

USCIB Vice President for Corporate Responsibility and Labor Affairs Gabriella Rigg Herzog represented Employers in October at a UN Intergovernmental Working Group on transnational corporations and other business entities with respect to human rights (IGWG). This meeting followed two sessions in 2015 and 2016 which entailed general discussions on a proposed binding instrument. This third meeting focused on a “Draft Elements” paper which was drafted by the Chair and served as a deliverable.

Business and governments clearly stated their view that a treaty was unnecessary and risks distracting from the established global consensus surrounding the primacy of the UN Guiding Principles on Business and Human Rights as the authoritative global framework that sets out the roles for governments and business on protecting and respecting human rights. Additionally, business and key governments stressed that focusing solely on transnational corporations was not appropriate, and that any future instrument should cover all business entities, in particular, national companies.

Herzog made two interventions, focusing on legal liability and international cooperation. On legal liability, Herzog underscored that “States have the primary duty to develop strong national institutions, as well as promulgate and effectively enforce domestic laws covering ALL companies within its borders, regardless of whether they participate in global supply chains or not.” Given that, Herzog emphasized the need to “avoid creating a two-tiered compliance system, whereby individuals, communities or workers that suffer business-related alleged harms involving TNCs have greater protections, but the rest get lesser or diluted protections and remediation.”

On international cooperation, Herzog highlighted the power of peer pressure, and existing UN mechanisms that could be leveraged by governments to encourage other governments to fulfil their State duty to protect human rights – including through the development of National Action Plans (NAP’s). “Peer pressure between States can be realized under the existing architecture by better harnessing the Human Rights Council’s Universal Periodic Review process,” said Herzog. “We understand that States are starting to receive more recommendations from other States on the topic of business and human rights. This process could be used to encourage more NAPs.”

According to Herzog, NAPs have not had as much attention in this third session because there is no explicit reference to them in the “elements” paper. “This is a pity,” she said in her intervention. “Taking aside the critique that some existing plans could have included more focus on the third pillar of the UN Guiding Principles, NAPs are a practical and useful tool.”

Leadership that inspires action

These are words that describe the work of The United States Council for International Business. It leads. It inspires action on issues to advance the global interests of American business. And it is an organization we are proud to support.

We applaud the efforts of The United States Council for International Business as it continues to work for an open system of world trade, finance and investment, where business can flourish and contribute to economic growth, human welfare and environmental protection.

www.pwc.com

© 2017 PricewaterhouseCoopers LLP, a Delaware limited liability partnership. All rights reserved.
China Move on ATA Carnet Seen as Positive for US Trade

The tenth installment of the International Chamber of Commerce’s World Chambers Congress (WCC) occurred in September in Australia, bringing together over 1,200 delegates to discuss challenges impacting business and chamber communities and to exchange expertise while promoting innovation.

USCIB’s Senior Vice President for ATA Carnet and Trade Services Andy Shiles attended the ATA Carnet global management meetings held during the WCC. A major outcome of these meetings was China’s announcement of an expansion of goods under their Carnet to include professional equipment and commercial samples. While China has yet to announce when they will implement this expansion, Shiles believes this will have a positive impact on U.S. trade.

“China’s Carnet expansion is a huge step in the right direction and will certainly minimize the United States’ trade deficit with China,” said Shiles. “We are living in exciting times of ATA Carnet, but we need to continue making progress.”

Shiles also reported that commitment for the development of joint projects to benefit the ATA Carnet have been outstanding, with excellent progress being made with Australia, Brazil, India, Indonesia and Poland.

Additionally, the meetings deliberated on the e-Carnet development project, which is on track to begin a pilot in the latter half of 2018.

“I’m expecting great things for U.S. Carnet development,” concluded Shiles. “2018 will be a historic year for the Carnet.”

Competition Committee Hosts DOJ Antitrust Expert

USCIB’s Competition Committee held its annual joint meeting on September 11 in partnership with the International Chamber of Commerce (ICC) Commission on Competition. Introductory remarks included comments by Paul Lugard, partner, Barker Botts LLP and chair of the ICC Competition Commission, and John Taladay, partner, Baker Botts LLP and chair of the USCIB Competition Committee.

The meeting included an off-the-record exchange of views with Bernard A. Nigro, Jr., deputy assistant attorney general, U.S. Department of Justice, antitrust division, on issues of relevance to USCIB membership, including international engagement, trade related competition issues and mergers.

The remainder of the meeting provided updates on the ongoing projects of the various task forces of the ICC Competition Commission, including on compliance and advocacy, merger control regimes, due process, the International Competition Network (ICN), cartels and leniency, and court proceeding in antitrust damage claims.

Finally, the membership received an update on ASEAN competition issues by Hatasakdi Na Pombejra from HN Pro International, who presented on behalf of ICC Thailand.
A s anti-business rhetoric continues to emerge in various intergovernmental forums, USCIB Vice President for Trade and Financial Services Shaun Donnelly led a small but vocal international business delegation during the annual High-level International Investment Agreements (IIAs) Conference at the UN Conference on Trade and development (UNCTAD) in Geneva in October.

As with many UNCTAD events, this three-day investment conference was dominated by government, UN and international organization experts, NGO activists and academics. Donnelly was joined by USCIB's partner BDI, the leading German business association, as the only business voices among over 200 delegates.

Issues on the UNCTAD agenda included reforming investment agreements, alternatives to Investor-State Dispute Settlement (ISDS) to resolve disputes, rebalancing rights and obligations between investors and host governments and alternative strategies to fix IIAs.

UNCTAD gave Donnelly a prominent spot in the opening plenary and keynote slots on two major breakout groups as well as in the closing plenary. In addition to rebutting anti-IIA and anti-ISDS political diatribes, Donnelly emphasized some basic themes, including that it is private investors who drive growth, jobs and progress. “The IIA protections do matter to investors,” emphasized Donnelly. “Strong ISDS provisions are critical to ensure implementation of investment agreements. Investment agreements which earn rave reviews from governments, academics and UN officials but which don't work for business won't yield investments and all the benefits which flow from private investment flows.”

**USCIB Leads Geneva Fight for Strong Investment Agreements**

*USCIB Huddles with US Mission in Geneva*

On the margins of the UN Conference on Trade and Development (UNCTAD) meetings in Geneva, USCIB Vice President for Trade and Development Shaun Donnelly went to the U.S. Mission (i.e. the multilateral U.S. Embassy) to UN agencies for a morning of meetings on October 12. Donnelly, a retired State Department ambassador, met with the U.S. Mission Chargé d’Affaires Ted Allegra in the absence of a new U.S. Ambassador (yet to be nominated at time of publication).

Donnelly also had a roundtable with U.S. Mission staff managing U.S. participation on a range of UN agencies including the International Labor Organization, World Health Organization, World Intellectual Property Organization, Human Rights Commission and the World Trade Organization. They discussed concerns of USCIB and its members on policies, budgets and business access in several Geneva agencies.

Donnelly noted afterwards, “I really appreciated the opportunity to sit down with U.S. Chargé in Geneva Ted Allegra, an experienced and respected diplomat, and to highlight priorities and policy concerns of our members.”

**The Global Goals: A Blueprint for Partnership and Action**

continued from page 2

Progress has been made, as witnessed by the strong response to this year’s SDG Business Forum on the margins of last July’s High-Level Political Forum – it literally filled the UN’s largest room, the General Assembly. Governments and the UN need to continue to create those new kinds of spaces in which that exchange on policy and practice can occur substantively and with good governance.

Throughout our work, USCIB seeks to foster recognized opportunities for the private sector to cooperate with the UN. With USCIB affiliations to leading global business organizations embedded in the UN system, the International Chamber of Commerce (ICC) and the International Organization of Employers (IOE), we have been fortunate to be on the front lines at the United Nations headquarters in New York and to be part of the collaborative discussions that developed the SDGs. The process of multilateralism does move slowly, demanding investment of time and effort, but the rewards are outcomes in which business is invested and knows what to expect.

At USCIB, we are more convinced than ever that a more open and accountable policy dialogue, with recognized involvement of representative business groups, is a fundamental element of good governance (which is in fact the aim of SDG16), and will deliver real results. With dialogue and the right mix of incentives, business really can make it happen. USCIB and its members will be working with governments and the UN system to foster truly collaborative and impactful partnerships with business in support of the Global Goals.

Contact Peter Robinson at (212) 703-5046 or probinson@uscib.org.
**USCIB Welcomes New Staff**

Nancy M. Thevenin joined USCIB as general counsel. Thevenin’s portfolio will include supporting USCIB’s Arbitration Committee and coordinating the work of the U.S. Nominations Committee to the ICC Court. Additionally, she will coordinate amicus requests and responses from USCIB members and other interested parties.

Thevenin previously served as deputy director of the ICC Court's North American marketing office, which at that time also managed USCIB/ICC-USA’s Arbitration Committee. During her tenure, the group helped launch the ICC International Mediation Competition and developed USCIB’s Young Arbitrators Forum (YAF), which Thevenin helped develop and wrote the proposal to turn into a global organization under the ICC umbrella. She later joined Baker & McKenzie as a special counsel and global coordinator of the firm’s International Arbitration Practice Group. Thevenin left Baker in 2014 to start her own practice as arbitrator and mediator. She is the chair of the International Section of the New York State Bar Association and an adjunct professor of the international commercial arbitration course at St. John’s Law School.

A graduate of Tulane Law School where she obtained certificates in European legal practice and in commercial arbitration, Ms. Thevenin also attended the University of Paris at Panthéon-Assas in France, where she studied the French legal system and European Community law. She is a graduate of Cornell University, where she obtained a double major in history and Spanish literature. Thevenin is a Fellow of the Chartered Institute of Arbitrators and is licensed to practice law in New York and Florida.

---

**New USCIB Members**

We are delighted to welcome the following companies and organizations as the latest additions to USCIB’s diverse membership:

- AB InBev
- Barrick Gold
- Comcast Corporation
- Cooley LLP
- Gilead Sciences, Inc.
- NCTA - The Internet and Television Association
- Reed Smith LLP
- Uber

To learn more about how USCIB membership can benefit your organization, contact Alison Hoiem (202-682-1291 or ahoiem@uscib.org).

---

**Shared Interests in the SDGs: Business Makes It Happen at UNGA72 USCIB Side Event**

continued from page 4

big picture, the private sector focuses on direct and near-term action. He encouraged USCIB to seek ways to build bridges between those points of view as part of its ongoing work to enhance business involvement and contribution on the SDG’s.

Chantal Line Carpentier of UNCTAD stated that if UN discussions don’t bring in private sector, it will be extremely difficult to frame the right policies and market actions. Some fear the perception that UN development work is being “privatized,” and she encouraged USCIB to prioritize clear public-private partnership guidance that reflects the lead role of governments and IGO’s, in which business works to support and leverage resources for common benefit, rather than solely for private profit.

---

**Roundtable on Enhancing Impact of Public Private Partnership**

continued from page 4

The event was attended by USCIB members such as Novozymes, Nestle and Mastercard, as well as by UN and U.S. government representatives, such as Stefanie Amadeo of the U.S. Mission to the United Nations and Thomas Debass, the State Department Office of Global and Sahba Sobhani, UN Development Program.

Speakers highlighted the innovation and new ideas that private sector entities can bring to governments and inter-governmental organizations via partnerships. Throughout the Roundtable, speakers agreed that delivering the SDG’s depends on involvement of the private sector, and a substantial component of that practical contribution will come through partnerships.
**november 2017**

- 6 – 17 UN Climate Conference (COP 23), Bonn, Germany
- 20 – 21 ATA Carnet Administrative Committee (ATAC) Fall Meeting, Vienna, Austria
- 21 – 22 OECD Committee on Digital Economy Policy, Paris, France
- 27 – 29 UN Forum on Business and Human Rights, Geneva, Switzerland
- 28 USCIB International Leadership Award Dinner, New York

**december 2017**

- 4 – 5 ICC Marketing Commission, San Francisco
- 4 – 6 Third UN Environment Assembly (UNEA3), Nairobi, Kenya
- 12 USCIB Trade and Investment Committee, Washington, DC
- 13 USCIB ICT Policy Committee, Washington, DC
- 10 – 13 Eleventh WTO Ministerial Conference, Buenos Aires, Argentina
- 18 – 22 Internet Governance Forum, Geneva, Switzerland
- TBD USCIB Environment Committee, Washington DC

**january 2018**

- 18 – 19 5th ITA-IEL-ICC Joint Conference on International Energy Arbitration, Houston, Texas
- 23 USCIB Arbitration Committee Luncheon, New York

**february 2018**

- 5 – 7 BIAC and OECD Joint Meeting of the Chemicals Committee and the Working Party on Chemicals, Pesticides and Biotechnology, Paris, France

**april 2018**

- 2 – 6 ICC Banking Commission, Miami, Florida

**june 2018**

- 4 – 5 OECD Tax Conference

---

**Advertise in International Business**

To reach an elite readership of USCIB members and friends, join our growing roster of advertisers. Contact Abby Shapiro (ashapiro@uscib.org) for more information.